

## **G.O.C. STAFF RULE ABSTRACT**

DEPARTMENT: Labor and Workforce Development

DIVISION: Occupational Safety and Health

SUBJECT: Adoption and Citation of Federal Standards

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 50-3-201

EFFECTIVE DATES: July 30, 2015, through June 30, 2016

FISCAL IMPACT: None

STAFF RULE ABSTRACT: Rules 0800-01-01-.06, 0800-01-06-.02, 0800-01-07-.01 and 0800-01-07-.02 are amended in order to adopt and reference the latest occupational safety and health standards and exceptions, if any, in the applicable parts of Title 29, Code of Federal Regulations when published in the Federal Register. Since the last amendments to the rules there have been no substantive changes to the Occupational Safety and Health Standards.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

An economic impact statement regarding the amendments in this rule proposal is not required under the provisions of the Regulatory Flexibility Act of 2007. As stated in Section 6 of Public Chapter 464, "This part shall not apply to rules that are adopted on an emergency or public necessity basis under Title 4, Chapter 5, Part 2, that are federally mandated, or that substantially codify existing state or federal law." Under the statutory authority of 29 U.S.C. § 667, Tennessee has an approved state plan that provides for the development and enforcement of occupational safety and health standards. In accordance with the Tennessee Occupational Safety and Health State Plan, when a federal occupational safety and health standard is promulgated under 29 U.S.C. § 655 Tennessee generally adopts the federal standard relating to the same issue. The plan specifies that the state of Tennessee will adopt the federal standards or an equivalent state requirement within six (6) months of the standard's promulgation by federal OSHA. In addition, T.C.A. §50-3-201 authorizes the Commissioner of Labor and Workforce Development to adopt either state or federal occupational safety and health standards.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule does not have a projected impact on local governments.

**Department of State  
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
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**For Department of State Use Only**

Sequence Number: 05-01-15  
Rule ID(s): 5940, 5941, 5942  
File Date: 5/1/15  
Effective Date: 7/30/15

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Department of Labor and Workforce Development
<b>Division:</b>	Division of Occupational Safety and Health
<b>Contact Person:</b>	Larry Hunt
<b>Address:</b>	220 French Landing Drive
<b>Zip:</b>	37243-1002
<b>Phone:</b>	(615) 741-7036
<b>Email:</b>	Larry.Hunt@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0800-01-01	Occupational Safety and Health Standards for General Industry
Rule Number	Rule Title
0800-01-01-.06	Adoption and Citation of Federal Standards

Chapter Number	Chapter Title
0800-01-06	Occupational Safety and Health Standards for Construction
Rule Number	Rule Title
0800-01-06-.02	Adoption and Citation of Federal Standards

Chapter Number	Chapter Title
0800-01-07	Occupational Safety and Health Standards for Agriculture
Rule Number	Rule Title
0800-01-07-.01	Adoption and Citation of Federal Standards
0800-01-07-.02	Exceptions to Adoption of Federal Standards

Proposed Amendments with Changes Red-Lined

Chapter 0800-01-01

Rule 0800-01-01-.06 Amended

Paragraph (2) of Rule 0800-01-01-.06 Adoption and Citation of Federal Standards is amended by changing the date from "January 1, 2015" to "July 1, 2015".

Existing Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1910, as of ~~January 1, 2015~~ except as provided in Rule 0800-01-01-.07 of this chapter.

Proposed Amended Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1910, as of July 1, 2015 except as provided in Rule 0800-01-01-.07 of this chapter.

Authority: T.C.A. §§ 4-3-1411 and 50-3-201.

Chapter 0800-01-06

Rule 0800-01-006-.02 Amended

Paragraph (2) of Rule 0800-01-06-.02 Adoption and Citation of Federal Standards is amended by changing the date from "January 1, 2015" to "July 1, 2015".

Existing Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1926, as of ~~January 1, 2015~~ except as provided in Rule 0800-01-06-.03 of this chapter.

Proposed Amended Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1926, as of July 1, 2015 except as provided in Rule 0800-01-06-.03 of this chapter.

Authority: T.C.A. §§ 4-3-1411, 50-3-103 and 50-3-201.

Chapter 0800-01-07

Rule 0800-01-07-.01 Amended

Paragraph (2) of Rule 0800-01-07-.01 Adoption and Citation of Federal Standards is amended by changing the date from "January 1, 2015" to "July 1, 2015".

Existing Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1928, as of ~~January 1, 2015~~ except as provided in Rule 0800-01-07-.02 of this chapter.

Proposed Amended Rule:

- (2) The Commissioner of Labor and Workforce Development adopts the federal occupational safety and health standards codified in Title 29, Code of Federal Regulations, Part 1928, as of July 1, 2015 except as provided in Rule 0800-01-07-.02 of this chapter.

Authority: T.C.A. §§4-3-1411 and 50-3-201.

Rule 0800-01-07-.02 Amended

Paragraph (1) of Rule 0800-01-07-.02 Exceptions to Adoption of Federal Standards in 29 CFR Part 1928 is amended by changing the date from "January 1, 2015" to "July 1, 2015".

Existing Rule:

- (1) As of ~~January 1, 2015~~, there are no exceptions.

Proposed Amended Rule:

- (1) As of July 1, 2015, there are no exceptions.

Authority: T.C.A. §§4-3-1411 and 50-3-201.

\* 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 proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 4/27/2015 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 4-27-15

Signature: Burns Phillips

Name of Officer: Burns Phillips

Title of Officer: Commissioner of Labor and Workforce Development

Subscribed and sworn to before me on: April 27, 2015

Notary Public Signature: Jamie Presson

My commission expires on: March 10, 2019

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  
Herbert H. Slatery III.  
Attorney General and Reporter  
4/29/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 5/1/2015

Effective on: 7/30/2015

Tre Hargett  
Tre Hargett  
Secretary of State

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PUBLICATIONS

## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State

DIVISION: Publications

SUBJECT: Filing for Inclusion on the No Trespass Public Notice List Maintained by the Department of State

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 39-14-405(f)

EFFECTIVE DATES: August 2, 2015, through June 30, 2016

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This proposed rule sets forth the application process and guidelines for employers requesting to be included on the Secretary of State's No Trespass Public Notice List under Chapter 956 of the Public Acts of 2014 and Tennessee Code Annotated, Section 39-14-405(f).

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The proposed rules will not have any adverse impact on 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://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

The proposed rules do not have any effect beyond the current effect of T.C.A. § 39-14-405(f)(a), which states that law enforcement agencies throughout the state will be provided a list of employers who have filed registration documents with the Department of State to maintain for use in responding to criminal trespass under T.C.A. § 39-14-405(a). If the employer is listed on the No Trespass Public Notice List, the law enforcement officer is not required to further establish an employer’s rights before taking action, and may take appropriate and lawful action against a person committing criminal trespass to have such person leave the property or cease blocking ingress or egress. These proposed rules simply set forth the process for an employer to file documents to effectuate registration, as well as the distribution of the list.

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

**For Department of State Use Only**

Sequence Number: 05-02-15  
 Rule ID(s): 5953  
 File Date: 05/04/15  
 Effective Date: 08/02/15

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to T.C.A. § 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).*

<b>Agency/Board/Commission:</b>	Department of State
<b>Division:</b>	Publications
<b>Contact Person:</b>	Cody Ryan York
<b>Address:</b>	312 Rosa L. Parks Avenue, Snodgrass Tower, 8 <sup>th</sup> Floor, Nashville, TN 37243
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-2650
<b>Email:</b>	Cody.York@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1360-01-08	Filing for Inclusion on the No Trespass Public Notice List Maintained by the Department of State
Rule Number	Rule Title
1360-01-08-.01	Purpose and Scope
1360-01-08-.02	Definitions
1360-01-08-.03	Application and Required Documents
1360-01-08-.04	Application Correction and Withdrawal Process
1360-01-08-.05	Publication
1360-01-08-.06	Fees

New Rules

CHAPTER 1360-01-08  
FILING FOR INCLUSION ON THE NO TRESPASS  
PUBLIC NOTICE LIST

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1360-01-08-.01 Purpose and Scope  
1360-01-08-.02 Definitions  
1360-01-08-.03 Application and Required Documents  
1360-01-08-.04 Application Correction and Withdrawal Process  
1360-01-08-.05 Publication  
1360-01-08-.06 Fees

1360-01-08-.01 PURPOSE AND SCOPE.

- (1) The purpose of these rules is to provide a procedure for employers to file information and documents with the Department of State to be included on the "No Trespass Public Notice List" in accordance with T.C.A. § 39-14-405(f). These rules are also promulgated for the purpose of specifying what information and documents must be filed with the Department of State for inclusion on the "No Trespass Public Notice List," and for implementing and establishing fees to be charged for filing with the Department of State in connection with same.

*Authority: T.C.A. § 39-14-405.*

1360-01-08-.02 DEFINITIONS.

- (1) "Application" means the application to be filed with the Division of Publications to be included on the NTPN List.
- (2) "Duly recorded" means that a document has been recorded by the County Register of Deeds for the County in which the property at issue is located, and that the document contains a stamp on its face evidencing recording by the County Register of Deeds, or is accompanied by a certification provided by the County Register of Deeds which indicates that the document has been recorded.
- (3) "Department of State" means the Office of the Secretary of State.
- (4) "Division of Publications" means the Division of Publications of the Department of State.
- (5) "Employer" means a person or entity that operates a business with a physical location in the State of Tennessee.
- (6) "NTPN List" means the No Trespass Public Notice List.
- (7) "Secretary" means the Secretary of State.

*Authority: T.C.A. § 39-14-405.*

1360-01-08-.03 APPLICATION AND REQUIRED DOCUMENTS.

- (1) Application. Applications may be requested in person from the Division of Publications located at 312 Rosa L. Parks Avenue, 8th Floor, Snodgrass Tower, Nashville, TN 37243, or by telephone at (615) 741-2650. Applications are also available online at [www.tn.gov/sos/pub/index.htm](http://www.tn.gov/sos/pub/index.htm).
- (2) Hours of Operation. Applications will be accepted for filing by the Division of Publications during its regular office hours of 8:00 a.m. to 4:30 p.m. central time.
- (3) Required Information. An applicant must supply the following information on the Application:

- (a) The full legal name, business address, phone number, and email address of the employer filing the Application.
  - (b) If the employer is a corporate entity, the name, business address, phone number and email address of a member, officer, partner or other individual with authority to act on behalf of the corporate entity.
  - (c) The address and legal description of the property, which shall consist of one of the following:
    - 1. Metes and bounds description;
    - 2. Lot number;
    - 3. Map and parcel number; or
    - 4. Any other description which was accepted for recording by the County Register of deeds at the time of the most recent duly recorded filing for that property and that is contained in the body of the duly recorded document.
  - (d) A description of the employer's legal basis to assert private property rights over the property, e.g., a leasehold interest or ownership by warranty deed of the property.
  - (e) Affirmation that the applicant is an employer who is requesting the employer's established private property rights be recognized and recorded against criminal trespassers under T.C.A. § 39-14-405(a).
  - (f) A declaration that the information and documents provided by the employer are true and accurate.
- (4) Required Documents. An applicant must submit a copy of a document or document(s) evidencing the employer's private property rights. This document may be one or more of the following:
- (a) A deed that has been duly recorded with the County Register of Deeds of the County in which the property is located and which lists the employer as a grantee of the property.
  - (b) A duly recorded contract/purchase agreement which lists the employer as a purchaser.
  - (c) A duly recorded easement listing the employer as the person or entity entitled to the easement.
  - (d) A power of attorney listing the employer as the grantee, in combination with a duly recorded document evidencing a property ownership interest of the grantor.
  - (e) A lease agreement listing the employer as a lessee and the property owner as the lessor, along with a document (as set forth above) evidencing the property owner's ownership interest in the property.
  - (f) A trust instrument evidencing the employer as the trustee or beneficiary of the trust.
  - (h) Any other duly recorded document evidencing employer's legal basis to assert private property rights over the property.
- (5) Verification of Information and Documents. The employer, or the individual authorized to act on behalf of the corporate employer, must affirm through his or her signature on the Application that the information and documents supplied to the Division of Publication are true and accurate. The employer's signature on the Application must be notarized. The Division of Publications is ministerial in function with regard to the filing of the Application and supporting documents and is not responsible for verifying the accuracy or authenticity of the information or documents supplied.

*Authority: T.C.A. § 39-14-405.*

1360-01-08-.04 APPLICATION CORRECTION AND WITHDRAWAL PROCESS.

- (1) Correction of Application. The Division of Publications will notify any employer submitting an application of facial deficiencies in the application, i.e., any missing information or apparent errors. The employer must thereafter correct any deficiencies in the application prior to being included on the NTPN List.
- (2) Withdrawal of Application. An employer may withdraw its application at any time upon the filing of a Notice of Withdrawal, the form for which is available from the Division of Publications as set forth in Rule 1360-01-08-.03(1) above. Upon receipt of the Notice of Withdrawal, the Division of Publications will contact the employer to confirm withdrawal of the Application, will remove the employer's name from the NTPN List published on the website, and will update the NTPN List prior to distribution to law enforcement agencies on January 15 and July 15 of each year.

*Authority: T.C.A. § 39-14-405.*

1360-01-08-.05 PUBLICATION.

- (1) Public Records. The Application and all documents filed with it will become public records pursuant to the Tennessee Public Records Act, T.C.A. § 10-7-501 et seq. upon filing with the Division of Publications. The name of the employer and the address for which the employer intends to assert private property rights will be published online on the NTPN List.
- (2) Distribution to Law Enforcement. The Division of Publications will distribute the name of the employer and the address for which the employer intends to assert private property rights on January 15 and July 15 of each year to each law enforcement agency having jurisdiction over policing or regulating criminal trespassing for the employers listed on the NTPN List. Distribution will be made via email to those law enforcement entities that have provided the Division of Publications with an email address. Otherwise, distribution will be made by U.S. mail.

*Authority: T.C.A. § 39-14-405.*

1360-01-08-.06 FEES.

- (1) Effective July 1, 2015, the fee for submitting an Application to the Division of Publications is twenty-five dollars (\$25).
- (2) There is no fee for submitting a Notice of Withdrawal as provided in 1360-01-08-.04.
- (3) Filing fees may be paid by check, cashier's check, or money order made payable to the Department of State.

*Authority: T.C.A. § 39-14-405.*

\* 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 proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on \_\_\_\_\_ (date as mm/dd/yyyy), 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: 2-19-15

Signature: [Handwritten Signature]

Name of Officer: Cody Ryan York

Title of Officer: Dir. of Publications

Subscribed and sworn to before me on: 2/19/15

Notary Public Signature: [Handwritten Signature]

My commission expires on: 9/10/18

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.

[Handwritten Signature]  
Herbert H. Slatery III  
Attorney General and Reporter  
4/29/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 05/04/15

Effective on: 08/02/15

[Handwritten Signature]  
Tre Hargett  
Secretary of State

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SECRETARY OF STATE  
PUBLICATIONS

## **G.O.C. STAFF RULE ABSTRACT**

**DEPARTMENT:** Architectural and Engineering Examiners

**DIVISION:** Regulatory Boards, Department of Commerce and Insurance

**SUBJECT:** Registration Requirements and Procedures; Military Applications – Spouses – Expedited Registration

**STATUTORY AUTHORITY:** Tennessee Code Annotated, Sections 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f)

**EFFECTIVE DATES:** August 19, 2015, through June 30, 2016

**FISCAL IMPACT:** None

**STAFF RULE ABSTRACT:** This rule provides a process for expedited licensure for applicants who meet the qualifications of Tennessee Code Annotated, Section 4-3-1304(d).

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

**(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;**

The proposed rule is a licensing requirement that will apply to all license and registration applicants equally, if the individual applicants meet the requirements. Therefore, businesses will not have any costs associated with this rule.

**(2) The 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;**

There are no projected reporting, recordkeeping, or administrative costs for small businesses associated with this rule.

**(3) A statement of the probable effect on impacted small businesses and consumers;**

This rule has no projected impact on small businesses or consumers.

**(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;**

The rule will ease the burden of applying for a license or registration for those applicants who meet the requirements. There are no less burdensome, intrusive, or costly methods to achieve the purpose of the rule.

**(5) A comparison of the proposed rule with any federal or state counterparts; and**

There are no federal counterparts to this rule. Public Chapter 122 of the Public Acts of 2013 requires all regulatory boards to adopt rules expediting licenses for military applicants and applicants with spouses in the military. The Boards are adopting rules substantially similar to this proposed rule.

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

This rule does not require small businesses to change their operations. Therefore, there is no need for an exemption.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rules have no projected impact on local governments.

**Department of State  
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 05-06-15  
Rule ID(s): 5945  
File Date: 5/21/15  
Effective Date: 8/19/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	Tennessee State Board of Architectural and Engineering Examiners
<b>Division:</b>	Division of Regulatory Boards, Department of Commerce and Insurance
<b>Contact Person:</b>	Ellery Richardson, Assistant General Counsel
<b>Address:</b>	500 James Robertson Parkway Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-3072
<b>Email:</b>	Ellery.Richardson@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0120-01	Registration Requirements and Procedures
Rule Number	Rule Title
0120-01-.28	Military Applications – Spouses – Expedited Registration

Substance of Proposed Rule

Chapter 0120-01  
Registration Requirements and Procedures

New

The Table of Contents is amended by adding rule 0120-01-.28 Military Applications – Spouses – Expedited Registration, so that the amended Table of Contents shall read as follows:

0120-01-.01 Definitions	0120-01-.16 Examinations – Landscape Architect
0120-01-.02 Applicability	0120-01-.17 Repealed
0120-01-.03 Residency Requirements	0120-01-.18 Repealed
0120-01-.04 Applications – General	0120-01-.19 Repealed
0120-01-.05 Applications – Engineer	0120-01-.20 Reexamination – Engineer
0120-01-.06 Applications – Engineer Intern	0120-01-.21 Reexamination – Engineer Intern
0120-01-.07 Applications – Architect	0120-01-.22 Reexamination – Architect
0120-01-.08 Applications – Landscape Architect	0120-01-.23 Reexamination – Landscape Architect
0120-01-.09 References	0120-01-.24 Duplicate Certificates of Registration
0120-01-.10 Education and Experience Requirements – Engineer	0120-01-.25 Renewal of Registration
0120-01-.11 Education and Experience Requirements – Architect	0120-01-.26 Repealed
0120-01-.12 Education and Experience Requirements – Landscape Architect	0120-01-.27 Notification to the Board
0120-01-.13 Examinations – General	0120-01-.28 Military Applications – Spouses – Expedited Registration
0120-01-.14 Examinations – Engineer, Engineer Intern	0120-01-.29 Stay of Pending Rule
0120-01-.15 Examinations – Architect	

Rule 0120-01-.28 Military Applicants – Spouses – Expedited Registration is added to Chapter 0120-01, and shall read as follows:

0120-01-.28 Military Applicants – Spouses – Expedited Registration

- (1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a certificate of registration upon application and payment of all fees required for the issuance of such registration if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
  - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the certificate of registration to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular certificate of registration of the same type which shall allow such person to perform services as if fully registered for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
    - 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time, provided that the applicant is otherwise qualified.
    - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certificate of registration of the same type.
    - 3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.
    - 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including

completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.

- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any certificate of registration issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certificate of registration.
- (3) (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose registration expires during the period of activation shall be eligible to be renewed upon the registrant being released from active duty without:
  1. Payment of late fees or other penalties; or
  2. Obtaining continuing education credits when:
    - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
    - (ii) The person performs the registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
- (b) The certificate of registration or permit shall be eligible for renewal pursuant to this paragraph for six (6) months from the person's release from active duty.
- (c) Any person renewing under this paragraph shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to this paragraph.

Authority: T.C.A. §§ 62-2-203(c) and (d) and 4-3-1304(d), (e), and (f).

\* 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)
Richard D. Thompson, RA	X				
Robert G. Campbell, Jr., PE	X				
Susan K. Ballard, RID	X				
Wilson Borden	X				
Harold P. Balthrop, Jr., PE	X				
Philip K. S. Lim, PE	X				
Paul W. Lockwood, RLA	X				
Jerome Headley, RA	X				
Frank W. Wagster, RA	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Architectural and Engineering Examiners on April 9, 2015, and it 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: 5/7/15

Signature: Elley Richardson

Name of Officer: Elley Richardson

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: MAY 7, 2015

Notary Public Signature: Margaret Williams

My commission expires on: 11/6/17

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  
Herbert H. Slatery III  
Attorney General and Reporter

5/14/2015  
Date

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Effective on: 8/19/15

Tre Hargett

Tre Hargett  
Secretary of State

## **G.O.C. STAFF RULE ABSTRACT**

<b><u>DEPARTMENT:</u></b>	State Board of Education
<b><u>SUBJECT:</u></b>	Teacher Instructional Planning Time
<b><u>STATUTORY AUTHORITY:</u></b>	Tennessee Code Annotated, Section 49-1-302(e)
<b><u>EFFECTIVE DATES:</u></b>	August 20, 2015 through June 30, 2015
<b><u>FISCAL IMPACT:</u></b>	None
<b><u>STAFF RULE ABSTRACT:</u></b>	This rule amendment brings State Board Rule 0520-01-03-.03 into compliance with Public Chapter 931, passed by the 108th General Assembly. Public Chapter 931 amended T.C.A. §49-1-302(e)(2) requiring duty-free teacher time for instructional planning to be allocated on an individual basis. To conform to the amended law, this rule amendment updates the language from the rule to specify that planning time is individual.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 <http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-08-15  
Rule ID(s): 5947  
File Date: 5/22/15  
Effective Date: 8/20/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.03	Administration of Schools, Requirement B

Chapter Number	Chapter Title
Rule Number	Rule Title

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

**0520-01-03-.03 ADMINISTRATION OF SCHOOLS, REQUIREMENT B**

(4) Planning Time

- (a) Local boards of education shall provide full-time classroom teachers in grades kindergarten through twelve (12) with individual duty-free planning periods during the established instructional day.
- (b) Individual pPlanning time shall consist of 2½ hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The 2½ hours may be divided on a daily or other basis.
- (c) Individual dDuty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.
- (d) Any school system which is providing an individual duty-free planning period by extending the school day by thirty (30) minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.
- (e) The director of schools shall report annually to the department of education regarding compliance with the individual duty-free planning time requirement.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt				X	
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/30/2015, 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: 4/7/15

Signature: *Sara Heyburn*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: *Phyllis E Childress*

MY COMMISSION EXPIRES: January 9, 2016 My commission expires on: \_\_\_\_\_

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

*Herbert H. Slatery III*  
 Herbert H/ Slatery III  
 Attorney General and Reporter  
5/4/2015  
 Date

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Effective on: 8/20/15

*Tre Hargett*  
 Tre Hargett  
 Secretary of State

## **G.O.C. STAFF RULE ABSTRACT**

<u>DEPARTMENT:</u>	State Board of Education
<u>SUBJECT:</u>	Graduation Requirements
<u>STATUTORY AUTHORITY:</u>	Tennessee Code Annotated, Section 49-6-1209
<u>EFFECTIVE DATES:</u>	August 20, 2015 through June 30, 2016
<u>FISCAL IMPACT:</u>	None
<u>STAFF RULE ABSTRACT:</u>	This rule amendment brings State Board rule 0520-01-03-.06 into compliance with Public Chapter 487, passed by the 108th General Assembly. Public Chapter 487 created as a new section, T.C.A. §49-6-1209 which states that a student who completes basic training before graduation shall receive high school credit toward lifetime wellness and one elective course or credit in two elective courses. This rule amendment updates the language from the rule to conform to the amended law.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-09-15  
Rule ID(s): 5948  
File Date: 5/22/15  
Effective Date: 8/20/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.06	Graduation, Requirement E

Chapter Number	Chapter Title
Rule Number	Rule Title

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

**0520-01-03-.06 GRADUATION, REQUIREMENT E**

(b) High School Diploma.

1. The following twenty-two (22) units shall be required for graduation for students who enter the ninth (9th) grade in 2009-10 and thereafter.

<u>Ready Core Curriculum Units</u>	
English Language Arts .....	4
Mathematics* .....	4
Science** .....	3
Social Studies*** .....	3
Wellness**** .....	1
Physical Education .....	0.5
Personal Finance .....	0.5
Foreign Language***** .....	2
Fine Arts***** .....	1
<u>Electives Focus .....</u>	<u>3</u>
<u>Total .....</u>	<u>22</u>

\* Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least the following: Algebra I, Geometry, and Algebra II (or the equivalents) plus one (1) additional mathematics course beyond Algebra I. All students will be enrolled in a math class each year. Students with qualifying disabilities in math as documented in the individualized education program shall be required to achieve at least Algebra I and Geometry (or the equivalent).

The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

\*\* Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least Biology I and either Chemistry or Physics plus another laboratory science. Students with qualifying disabilities in reading and/or math as documented in the individualized education program shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

\*\*\* The social studies curriculum shall include United States History, World History/World Geography, Economics, and Government.

\*\*\*\*\* If, during high school, a student enlists in a branch of the United States military or in the National Guard through the military delayed entry program, the National Guard split training option or other similar early entry program and completes basic training before graduation from high school, then the student shall receive high school credit towards graduation for basic training. Credit for basic training may be substituted, upon the choice of the student, for the required credit in lifetime wellness and credit in one (1) elective course or for credit in two (2) elective courses.

\*\*\*\*  
\_

In exceptional circumstances, schools may waive the foreign language and fine art requirement for students who are not planning to attend the university to expand and enhance their elective focus.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt				X	
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/30/2015, 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: 4/7/15

Signature: [Handwritten Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: [Handwritten Signature: Phyllis E Childress]

My commission expires on: \_\_\_\_\_

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

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

5/4/2015  
Date

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[Handwritten Signature: Tre Hargett]  
Tre Hargett  
Secretary of State

### **G.O.C. STAFF RULE ABSTRACT**

DEPARTMENT: State Board of Education

SUBJECT: School Facilities

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 49-1-302 and 49-10-111

EFFECTIVE DATES: August 24, 2015 through June 30, 2016

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The current State Board Rule 0520-01-04-.01 states that when planning a new building, planning alterations and safety planning, copies of state regulations may be obtained from the State Architect. However, the State Architect no longer provides such regulations and typically refers any inquiries back to the State Board. Thus, to avoid confusion, this rule amendment deletes the sentence referring to the State Architect.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-12-15  
Rule ID(s): 5951  
File Date: 05-26-15  
Effective Date: 08-24-15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-04	School Facilities
Rule Number	Rule Title
0520-01-04-.01	School Facilities

Chapter Number	Chapter Title
Rule Number	Rule Title

**CHAPTER 0520-01-04  
SCHOOL FACILITIES**

**TABLE OF CONTENTS**

0520-01-04-.01 School Facilities

0520-01-04-.02 and 0520-01-04-.03 Repealed

**0520-01-04-.01 SCHOOL FACILITIES**

- (1) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety. ~~Copies of state regulations may be obtained from the office of the State Architect.~~

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards				X	
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 10/31/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/7/15

Signature: *Sara Heyburn*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: *Phyllis E. Childress*

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES:  
January 9, 2016

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/14/2015  
Date

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Filed with the Department of State on: 05-26-15

Effective on: 08-24-15

Tre Hargett  
Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

<b><u>BOARD:</u></b>	State Board of Education
<b><u>SUBJECT:</u></b>	Child Nutrition Programs
<b><u>STATUTORY AUTHORITY:</u></b>	Tennessee Code Annotated, Sections 49-1-302 and 49-6-2303
<b><u>EFFECTIVE DATES:</u></b>	August 24, 2015 through June 30, 2016
<b><u>FISCAL IMPACT:</u></b>	None
<b><u>STAFF RULE ABSTRACT:</u></b>	<p>The State Board of Education is authorized to promulgate rules with regard to child nutrition programs in Tennessee pursuant to Tenn. Code Ann. § 49-6-2303. Current state rules governing nutrition programs cover grades PreK-8. High schools are governed by federal rules promulgated by the U.S. Department of Agriculture.</p> <p>New federal nutrition program rules promulgated in 2010 pursuant to the Healthy, Hunger-Free Kids Act of 2010 will take effect at the beginning of the 2014-15 school year. This Rule adopts the federal rules, 7 CFR Parts 210 and 220, for all grades, allowing all Tennessee child nutrition programs to use the same guidance document in order to lessen confusion and create more consistency across grade spans.</p> <p>Additionally, the new federal rules allow states to set up “special exemptions for infrequent school-sponsored fundraisers.” This Rule adopts thirty (30) days as the special exemption.</p>

## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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

Sequence Number: 05-13-15  
 Rule ID(s): 5952  
 File Date: 05/26/15  
 Effective Date: 08/24/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-06	Child Nutrition Programs
Rule Number	Rule Title
0520-01-06-.01	General Regulations
0520-01-06-.04	Special Exemptions for Infrequent School-Sponsored Fundraisers

Chapter Number	Chapter Title
Rule Number	Rule Title

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-06  
CHILD NUTRITION PROGRAMS**

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0520-01-06-.01	General Regulations	0520-01-06-.04	<del>Minimum Nutritional Standards for Individual Food Items Sold or Offered for Sale to Pupils in Grades Pre-Kindergarten through Eight (Pre-K-8) Special Exemptions for Infrequent School-Sponsored Fundraisers</del>
0520-01-06-.02	Schools Eligible to Receive Federal Assistance for Child Nutrition Programs		
0520-01-06-.03	Minimum Requirements for Each Participating School		

**0520-01-06-.01 GENERAL REGULATIONS**

~~The State Board of Education adopts the current Compilation of Federal Regulations (CFR) which govern child nutrition programs.~~

The State Board of Education adopts by reference the Compilation of Federal Regulations at 7 C.F.R. Parts 210 and 220 in their entirety unless otherwise provided herein as the policies and procedures for administration of nutrition programs and services in the state.

**0520-01-06-.02 SCHOOLS ELIGIBLE TO RECEIVE FEDERAL ASSISTANCE FOR CHILD NUTRITION PROGRAMS**

- (1) The State Department of Education shall determine which schools are eligible to participate in the national school lunch, school breakfast, and other food service programs based upon an application submitted by the local board of education.
- (2) The State Department of Education shall enter into a USDA approved standard form of agreement with the appropriate local board of education. The agreement shall cover the operation of the national school lunch program, school breakfast program, and any other applicable child nutrition programs. This agreement shall contain all of the conditions prescribed in the federal-state agreement. The State Department of Education shall not reimburse a school in the absence of an agreement nor permit retroactive agreements.

**0520-01-06-.03 MINIMUM REQUIREMENTS FOR EACH PARTICIPATING SCHOOL**

Facilities and equipment for the storage, preparation, and serving of food shall be maintained by the local school system.

~~**0520-01-06-.04 MINIMUM NUTRITIONAL STANDARDS FOR INDIVIDUAL FOOD ITEMS SOLD OR OFFERED FOR SALE TO PUPILS IN GRADES PRE-KINDERGARTEN THROUGH EIGHT (PRE-K-8) SPECIAL EXEMPTIONS FOR INFREQUENT SCHOOL-SPONSORED FUNDRAISERS**~~

LEAs may make special exemptions for the sale of food and/or beverages that do not meet the competitive food standards for the purpose of conducting an infrequent school-sponsored fundraiser. Such specially exempted fundraisers shall take place on no more than thirty (30) days within a school

year per school site. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. The principal of the school shall ensure that the thirty (30) days limit is not exceeded.

(1) — Introduction.

The federal Child Nutrition Reauthorization Act, which applies to all schools that participate in the federal school lunch program, requires every school to adopt a wellness plan by June 30, 2006. As a component of a locally adopted wellness program, these nutritional guidelines are minimal and local boards of education may adopt more stringent guidelines.

Each local board of education shall develop and implement a district policy that, at a minimum, ensures compliance with these rules and designates a person responsible for oversight. The person designated as responsible for district compliance shall register with the state department of education.

Within one year of the revision of the Dietary Guidelines for Americans (DGA), the State Board of Education, in consultation and cooperation with the Department of Education and the Department of Health, shall review these rules.

(2) — Definitions.

(a) — School day: Starting 45 minutes before the beginning of the official school day and continuing until 30 minutes after the end of the official school day.

(b) — Low calorie beverage (includes flavored, sweetened, and non-caffeinated water): A flavored, non-carbonated beverage that does not contain additional caloric sweeteners and does not contain more than 15 calories per serving.

(c) — Beverage serving: One serving of beverage that does not exceed 8 fluid ounces, except non-flavored, non-carbonated, non-caffeinated water.

(d) — Foods and beverages of minimal nutritional value: Those foods the United States Department of Agriculture (USDA) School Food and Nutrition Service defines as foods and beverages of minimal nutritional value including but not limited to: soda, gum, hard candies, marshmallow candies, licorice and candy coated popcorn.

(3) — Nutritional Quality Standards

These standards are developed for foods and beverages sold or offered for sale during the school day in schools that include students in grades Pre-kindergarten through 8. These standards apply to food items sold or offered for sale during the school day including but not limited to school stores items, fund raising items, a la carte items, vending machine items, snack bars items, etc. These standards do not apply to foods served as a federally reimbursable meal to pupils. However, it is strongly recommended that schools meet these standards in federally reimbursable meals.

(a) — Beverages that can be offered for sale in schools include the following:

1. — Fluid milk that is flavored or unflavored; is reduced fat, low fat, or skim/non-fat; and meets state and local standards for pasteurized fluid milk and/or USDA approved alternative dairy beverages;\*

2. — Beverages that are 100% fruit and vegetable juices;

3. — Water that is non-flavored, non-sweetened, and non-carbonated; and

4. ~~Low-calorie beverages (includes flavored, sweetened, and non-caffeinated water) that are flavored, non-carbonated beverages, containing no additional-caloric sweeteners and no more than 15 calories per serving.~~

~~\* There are no USDA-approved alternative dairy beverages at this time. Public Law 108-265 (Child Nutrition Program Reauthorization) authorizes the Secretary of Agriculture to establish nutritionally-equivalent non-dairy beverages by July 1, 2005.~~

~~(b) A food item that can be sold individually includes food that meets the following standards:~~

1. ~~Calories from total fat must be at or below 35%, excluding nuts, seeds, and nut butters. This is determined by dividing the calories from total fat by the total calories and multiplying by 100. If calories from fat are not available, multiply the grams of fat by 9 to equal calories from fat.~~
2. ~~Calories from saturated fat must be at or below 10%. This is determined by dividing the calories from saturated fat by the total calories and multiplying by 100. If calories from saturated fat are not available, multiply the grams of saturated fat by 9 to equal calories from saturated fat.~~
3. ~~Calories from sugar must be at or below 35% by weight. This is determined by dividing the grams of sugar by the gram weight of the product and multiplying by 100. This includes both naturally occurring and added sugars. This limit does not include fruits and vegetables as defined below.~~
4. ~~Chips, cereals, crackers, French fries, baked goods, and other snack items may contain no more than 230 mg. of sodium per serving; pastas, meats, and soups may contain no more than 480 mg. of sodium per serving; and pizza, sandwiches, and main dishes may contain no more than 600 mg. of sodium.~~

~~(c) Fruits and Non-Fried Vegetables that can be sold individually include the following:~~

1. ~~Fruits and vegetables may be fresh, frozen, canned or dried, and they must be found in the Food Buying Guide for Child Nutrition Programs. (<http://schoolmeals.nal.usda.gov/FBG/2003FBG/%20Section%202.pdf>).~~
2. ~~Examples of products that cannot be sold as a fruit or vegetable include:~~
  - (i) ~~Snack-type foods made from vegetables or fruits, such as potato chips and banana chips;~~
  - (ii) ~~Pickle relish, jam, and jelly; and~~
  - (iii) ~~Tomato catsup and chili sauce.~~
3. ~~Fruits and non-fried vegetables are exempt from portion-size limits.~~

~~(d) Limit on portion sizes of foods and beverages sold individually are the following:~~

1. ~~One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;~~
2. ~~One ounce for cookies;~~

- 3. ~~Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels and other bakery items;~~
  - 4. ~~Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;~~
  - 5. ~~One ounce pure cheese that is lowfat or fat free containing 3.5 grams or less of fat.~~
  - 6. ~~Eight ounces for non-frozen yogurt; and~~
  - 7. ~~Eight fluid ounces for beverages, excluding non-flavored water;~~
- (e) ~~The portion size of a la carte entrees and side dishes, including potatoes, shall not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion size limits.~~
  - (f) ~~Individual food items that are part of a day's reimbursable school lunch or part of the reimbursable school breakfast program may be sold on that day for that meal as an a la carte item. All other school a la carte items are not to exceed the State Board of Education's standards for foods sold individually.~~

~~(4) Implementation.~~

- (a) ~~Schools serving pre-kindergarten through grade 5, shall implement these rules no later than one (1) year after the original effective date of these rules. This does not apply to high schools in which pre-kindergarten children are the only students in the building below grade 9.~~
- (b) ~~Schools serving grades 6, 7, or 8 shall implement at least 50% of the nutritional quality standards set forth above no later than one (1) year after the original effective date of these rules and shall implement all of the nutritional quality standards within the following year. Schools that serve grades 6, 7, or 8 and also serve higher grade levels must meet the standards.~~

~~(5) Evaluation of Effectiveness~~

~~Each local board of education shall monitor implementation of these rules and shall evaluate the effectiveness thereof. School systems shall include a wide range of constituency groups in planning and implementing the evaluation and shall consider measures such as:~~

- (a) ~~Participation rates in school meal programs;~~
- (b) ~~Student satisfaction surveys to monitor the effects of consumption of healthy snacks on children's health, behavior, and school performance and to monitor satisfaction with snack choices;~~
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**CHAPTER 0520-01-06  
CHILD NUTRITION PROGRAMS**

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0520-01-06-.01	General Regulations	0520-01-06-.04	<u>Minimum Nutritional Standards for Individual Food Items Sold or Offered for Sale to Pupils in Grades Pre-Kindergarten through Eight (Pre-K-8) Special Exemptions for Infrequent School-Sponsored Fundraisers</u>
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3. Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels and other bakery items;
4. Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
5. One ounce pure cheese that is lowfat or fat free containing 3.5 grams or less of fat.
6. Eight ounces for non-frozen yogurt; and
7. Eight fluid ounces for beverages, excluding non-flavored water;

(e) The portion size of a la carte entrees and side dishes, including potatoes, shall not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

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- (d) Frequency and types of health problems noted on school nurse logs;
- (e) Frequency and types of mental health and behavioral problems noted on counselor logs;
- (f) Incidence of student behavior infractions;

(g) — Teacher surveys of students' classroom behavior, attention span, and memory; and

(h) — Test scores.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Sloyan	X				
Tucker	X				
Student Member	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 07/25/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/7/15

Signature: [Handwritten Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: [Handwritten Signature: Phyllis E. Childress]

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES: January 9, 2016

State Board of Education Rules  
Chapter 0520-01-06 – Child Nutrition Programs  
Rule 0520-01-06-.01 – General Regulations  
Rule 0520-01-06-.04 -- Special Exemptions for Infrequent School-Sponsored Fundraisers

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/15/2015 Date

**Department of State Use Only**

Filed with the Department of State on: 05/26/15

Effective on: 08/24/15

Tre Hargett  
Tre Hargett  
Secretary of State

RECEIVED  
2015 MAY 26 PM 4: 27  
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PUBLICATIONS

## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Real Estate Commission

DIVISION: Regulatory Boards

SUBJECT: Licensing; Applications for Examinations

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 40-29-107(m)(1)

EFFECTIVE DATES: August 4, 2015, through June 30, 2016

FISCAL IMPACT: None

STAFF RULE ABSTRACT: Amendment to Rule 1260-01-.01 Applications for Examinations: This amendment will add a paragraph (5) to the rule, which provides that if a person possesses a certificate of employability pursuant to Tennessee Code Annotated, Section 40-29-107, that person shall not be denied issuance of a license based solely on the past criminal record but shall be required to appear before the Commission for the purpose of the Commission considering (on a case-by-case basis) whether or not to grant issuance of the license.

### Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

### Economic Impact Statement:

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

This rule is not expected to have a measurable impact on small businesses.

- (2) The 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;

There are no projected reporting, recordkeeping or other administrative costs required for this proposed rule.

- (3) A statement of the probable effect on impacted small businesses and consumers;

There is no expected adverse impact on small businesses as a result of this proposed rule. This proposed rule is expected to assist with the protection of the welfare and safety of the citizens of the State of Tennessee by helping to ensure that all licensees are fit and able to perform the duties and responsibilities necessarily related to real estate licensure.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

There are no less burdensome, less intrusive, or less costly alternative methods known which will achieve the purpose and objectives of this proposed rule.

- (5) A comparison of the proposed rule with any federal or state counterparts; and

There are no known federal or state counterparts to this rule.

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

Any possible exemption of small businesses from this rule would result in less protection for the citizens of the State of Tennessee.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule is not projected to have any financial impact on local governments.

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 05-03-15  
Rule ID(s): 5944  
File Date: 5/6/2015  
Effective Date: 8/4/2015

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	Tennessee Real Estate Commission
<b>Division:</b>	Regulatory Boards
<b>Contact Person:</b>	Julie Cropp
<b>Address:</b>	500 James Robertson Parkway, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-3072
<b>Email:</b>	<a href="mailto:Julie.Cropp@tn.gov">Julie.Cropp@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1260-01	Licensing
Rule Number	Rule Title
1260-01-.01	Applications for Examinations

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1260-01-.01 Applications for Examinations is amended by adding the following language as a new paragraph (5):

(5) Notwithstanding the provisions of paragraph (4) of this rule, if a person possesses a certificate of employability pursuant to T.C.A. § 40-29-107, that person shall not be denied the issuance of a license based solely on the person's past record of criminal activity but shall instead be required to appear before the Commission for the purpose of the Commission considering on a case-by-case basis whether to grant or deny the issuance of the license.

Authority: T.C.A. §§ 62-13-112, 62-13-203, 62-13-301, 62-13-303, 62-13-312, and 40-29-107.

\* 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)
Wendell Alexander	X				
Marcia Franks	X				
Austin McMullen	X				
John Griess	X				
Diane Hills	X				
Janet DiChiara	X				
Grover Collins	X				
Gary Blume				X	
David Flitcroft				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 01/07/2015 (date as mm/dd/yyyy), 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: 3/26/15

Signature: Julie E. Cropp

Name of Officer: Julie E. Cropp

Title of Officer: Assistant General Counsel



MY COMMISSION EXPIRES: March 8, 2016

Subscribed and sworn to before me on: March 24, 2015

Notary Public Signature: Jennaca Smith

My commission expires on: March 8, 2016

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  
Herbert H. Slatery III  
Attorney General and Reporter

April 29, 2015  
Date

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Filed with the Department of State on: 5/6/2015

Effective on: 8/4/2015

Tre Hargett  
Tre Hargett  
Secretary of State

## **G.O.C. STAFF RULE ABSTRACT**

DEPARTMENT: Commerce and Insurance

DIVISION: Fire Prevention

SUBJECT: Fire Department Recognition

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 68-102-101, 68-102-303, 68-102-304, and 68-102-306

EFFECTIVE DATES: August 24, 2015, through June 30, 2016

FISCAL IMPACT: None

STAFF RULE ABSTRACT: The proposed rule sets forth criteria for refusal to renew or issue certificate of recognition for fire departments. Under current statutes and rules, there are no criteria for refusal to renew or issue certificates of recognition, but the Attorney General opined that the Commissioner does have the authority.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The proposed rule will 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://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule may have an impact on local governments.

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**For Department of State Use Only**

Sequence Number: 05-25-15  
Rule ID(s): 5955  
File Date: 05-26-15  
Effective Date: 08-24-15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	Department of Commerce and Insurance
<b>Division:</b>	Fire Prevention
<b>Contact Person:</b>	Joseph Underwood, Chief Counsel for Fire Prevention
<b>Address:</b>	500 James Robertson Parkway
<b>Zip:</b>	37243
<b>Phone:</b>	615-741-3899
<b>Email:</b>	<a href="mailto:Joseph.Underwood@tn.gov">Joseph.Underwood@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0780-02-20	Fire Department Recognition
Rule Number	Rule Title
0780-2-20-.01	Definitions
0780-2-20-.02	General Requirements
0780-2-20-.03	Registration
0780-2-20-.04	Standards and Qualifications
0780-2-20-.05	Recognized Fire Departments
0780-2-20-.06	Renewal
0780-2-20-.07	Withdrawal of Recognition

**FIRE DEPARTMENT RECOGNITION  
CHAPTER 0780-2-20**

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0780-2-20-.02 General Requirements	0780-2-20-.06 Renewal <del>of Registration</del>
0780-2-20-.03 Registration	<u>0780-2-20-.07 Nonrenewal, revocation or</u>
0780-2-20-.04 <del>Standards and Qualifications Repealed</del>	<u>suspension of certificate of</u>
	<u>recognition</u>

**0780-2-20-.01 DEFINITIONS.**

- (1) Career fire department shall mean a fire department consisting of only paid firefighters.
- (2) Combination fire department shall mean a fire department consisting of any mixture of career and volunteer firefighters.
- ~~(3) Division shall mean the Division of Fire Prevention, also known as the State Fire Marshal's Office.~~
- (43) New Fire Department shall mean any fire department formed after July 1, 2003.
- (54) Recognized fire department shall mean a fire department that has obtained a certificate of recognition from the Department of Commerce and Insurance, State Fire Marshal's Office, which includes a municipality, county or political subdivision operating as a fire department, or an organization, agency, or entity operating as a fire department.
- (65) Recognition shall mean that designation to be conferred on the fire department by the State Fire Marshal's Office after making application and meeting all the requirements found in T.C.A. § 68-102-301 et seq.
- ~~(6) State Fire Marshal shall mean the Division of Fire Prevention at the Department of Commerce and Insurance.~~
- (7) Volunteer fire department shall mean a fire department consisting of only un-paid firefighters.

**Authority:** T.C.A. §§ 68-102-303 and 68-102-304. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

**0780-2-20-.02 GENERAL REQUIREMENTS.**

- (1) ~~Any application or document regarding a certificate of recognition for the State Fire Marshal's Office shall be sent to the State of Tennessee, Department of Commerce and Insurance, Division of Fire Prevention, 500 James Robertson Parkway, Third Floor, Nashville, Tennessee 37243. No municipality, county, political subdivision, organization, agency or entity shall operate a fire department within the State of Tennessee unless it has been duly recognized by the State Fire Marshal.~~
- (2) ~~Recognition will be valid for a period of three (3) years, beginning on the calendar date of issuance and expiring at 12:00 p.m. on that calendar date three (3) years later.~~

No new fire department may be established or recognized in Tennessee without the approval of the local elected governing body. This approval shall include the geographical territory to be covered by the new fire department.

- (3) ~~All new fire departments formed after July 1, 2003 shall notify the State Fire Marshal's Office within thirty (30) days of any change in geographical territory to be covered by such fire department. The fire department shall provide proof of the approval of the local elected governing body of any change in territorial boundaries. The fire department shall provide the State Fire Marshal's Office with a written description or geographic description of territorial boundaries.~~  
No governmental unit, person, organization, agency or entity shall receive or solicit money from any source, including local, state, or federal government, for the purpose of operating a fire department unless the governmental unit, person, organization, agency, or entity maintains a valid certificate of registration from the State Fire Marshal.

**Authority:** T.C.A. §§ ~~68-102-108(c)~~, 68-102-303, 68-102-304, and ~~68-102-108(e)~~ 68-102-306. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

#### **0780-2-20-.03 REGISTRATION.**

- (1) ~~The applicant shall contact the Division in writing to obtain information concerning the application process and to obtain a certificate of recognition as a recognized fire department at the address listed in rule 0780-2-20-.02(1).~~  
The municipality, county, political subdivision, organization, agency or entity desiring to operate a fire department shall file an application with the State Fire Marshal and submit a fee of fifty dollars (\$50.00).
- (2) ~~The applicant shall contact the Division's Office in Nashville to obtain the required application form. The applicant shall fill out the application completely and submit it to the Division with a nonrefundable application fee of fifty dollars (\$50.00).~~  
Registration will be valid for three (3) years from the date of issuance.

**Authority:** T.C.A. §§ 68-102-303 and 68-102-304. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

#### **0780-2-20-.04 STANDARDS AND QUALIFICATIONS. REPEALED**

~~(1) The application must show proof of the following:~~

- ~~(a) The application form must be signed by the highest ranking official of the fire department, and the form must be notarized.~~
- ~~(b) All new and existing fire departments must be in compliance with Tenn. Code Ann. § 68-102-108 by obtaining the proper designation as an Assistant to the Commissioner of Commerce and Insurance.~~
- ~~(c) All new and existing fire departments must be in compliance with requirements of Tenn. Code Ann. §68-102-111.~~
- ~~(d) After July 1, 2003 and before a new fire department is established or recognized within Tennessee, the new fire department must obtain approval of the local elected governing body. The approval shall include the geographical territory to be covered by such new fire department.~~

**Authority:** T.C.A. §§68-102-303, 68-102-304, 68-102-306, 68-102-108, and 68-102-111. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

#### 0780-2-20-.05 RECOGNIZED FIRE DEPARTMENTS.

- (1) A recognized fire department shall notify the State Fire Marshal's Office within thirty (30) days after of the termination, resignation or a appointment of a new fire chief, is appointed.
  - (a) ~~The fire department shall submit to the State Fire Marshal's Office the new fire chief's name, address and adequate documentation to establish such person's claim of office.~~
  - (b~~2~~) ~~The board of directors of a for-profit or not-for-profit fire department or the highest appointed authority of the city or county must place in writing the name of the person who is designated the Assistant to the Commissioner by virtue of his or her office including the fire chief and fire marshal. The name of the Assistant to the Commissioner and the person's current title shall be included. The letter shall include the official name of the fire department and mailing address of the fire department at which the Assistant to the Commissioner will work. The municipality, county, political subdivision, organization, agency or entity filing the notification must be in compliance with T.C.A. § 68-102-108 and properly designate an Assistant to the Commissioner unless appointed pursuant to T.C.A. § 68-102-109.~~
    - (a) Within ten (10) days after the appointment of a new Assistant to the Commissioner, the person vacating the office shall return the certificate and card of appointment to the State Fire Marshal's Office in Nashville.
    - (b) Within thirty (30) days after the appointment of a new Assistant to the Commissioner, the name and contact information for the new Assistant to the Commissioner shall be submitted to the State Fire Marshal.
    - (c) ~~Within ten (10) days after the appointment of a new Assistant to the Commissioner, the person vacating the office shall surrender the certificate of appointment to the Department of Commerce and Insurance, Division of Fire Prevention.~~

**Authority:** T.C.A. §§ 68-102-108, 68-102-303, and 68-102-304 and 68-102-305. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

#### 0780-2-20-.06 RENEWAL OF REGISTRATION.

- (1) Before the three (3) year period of the certificate of ~~registration~~ recognition has expired, the ~~applicant for renewal~~ fire department must submit a fee of fifty dollars (\$50.00) to the ~~Division~~ State Fire Marshal along with a recognition renewal ~~application~~ form properly completed to obtain renewal of the certificate of recognition. The application for renewal must include verification of the geographical territory to be covered by the department.
- (2) The fire department shall submit the renewal application at least thirty (30) days prior to expiration of the fire department's certificate of recognition.
- (3) The ~~Division~~ State Fire Marshal will send each ~~applicant for renewal an application~~ recognized fire department a renewal notice form approximately six (6) months prior to expiration of the three (3) year recognition period.
- (4) All fire departments shall notify the State Fire Marshal within thirty (30) days of any change in geographical territory to be covered by such fire department.

(a) The fire department shall provide proof of the approval of the local elected governing body of any change in territorial boundaries.

(b) The fire department shall provide the State Fire Marshal with a written description or geographic description of territorial boundaries.

**Authority:** T.C.A. §§ 68-102-303 and 68-102-304. **Administrative History:** Original rule filed June 8, 2004; effective August 22, 2004.

#### **0780-2-20-.07 NONRENEWAL, REVOCATION, OR SUSPENSION OF CERTIFICATE OF RECOGNITION**

(1) The State Fire Marshal may refuse to issue or renew, and revoke or suspend any application for or certificate of recognition for any recognized fire department if:

(a) The fire department has violated any provision of this chapter or any other state or federal law, or has violated any regulation duly promulgated by the State Fire Marshal;

(b) The fire department fails to renew its certification;

(c) The fire department fails to submit the required fee; or

(d) The local elected governing body withdraws recognition of the fire department.

(2) The State Fire Marshal will notify the local elected governing body within thirty (30) days of refusing to renew, revoking or suspending any certificate of recognition of a fire department.

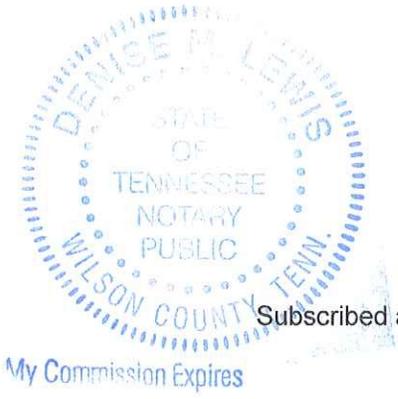
(3) The local elected governing body will notify the State Fire Marshal within thirty (30) days of withdrawing approval of the fire department.

(4) The local elected governing body must send the State Fire Marshal an updated geographical territory to be covered by the remaining recognized fire department(s) no more than thirty (30) days after a fire department has lost its recognized status.

(5) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, will govern all matters and procedures respecting the hearing and judicial review of any contested case arising under this rule.

**Authority:** T.C.A. §§ 68-102-101, 68-102-303, 68-102-304 and 68-102-306.

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Commissioner on 2/13/15 (date as mm/dd/yyyy), 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: 2/13/15

Signature: Julie Mix McPeak

Name of Officer: Julie Mix McPeak

Title of Officer: Commissioner of Commerce & Insurance

Subscribed and sworn to before me on: 2/13/15

Notary Public Signature: Denise M Lewis

My commission expires on: 2/15/16

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  
Herbert H. Slatery, III  
Attorney General and Reporter  
4/27/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 05-26-15

Effective on: 08-29-15

Tre Hargett  
Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

**DEPARTMENT:** University of Tennessee

**DIVISION:**

**SUBJECT:** Residency; Classifying Students In-State and Out-of-State

**STATUTORY AUTHORITY:** Tennessee Code Annotated, Section 49-9-105

**EFFECTIVE DATES:** August 25, 2015, through June 30, 2016

**FISCAL IMPACT:** The Agency reports that the revision of Tennessee Code Annotated, Section 49-8-104, will result in an increase in state revenue, with a net impact of \$149,200/FY14-15/Higher Education Institutions; \$158,200/FY15-16/Higher Education Institutions, and exceeds \$167,700/FY16-17 and subsequent Fiscal Years/Higher Education Institutions.

Assumptions: Students with foreign-born parents who are undocumented aliens and unemancipated students who have remained in Tennessee while their parents have moved out of the state will be eligible to receive in-state tuition. With a six percent (6%) annual increase in tuition, the average difference in FY14-15 between in-state and out-of-state tuition is estimated to be \$16,727 at a University of Tennessee (UT) institution. UT estimates that fourteen (14) currently enrolled students will be eligible to receive in-state tuition. UT estimates an additional forty-three (43) students will enroll at a UT institution as a result of this bill.

The Agency reports that the estimated fiscal impact of 2014 Public Act 612 is not significant.

Assumptions: Based on information received from Tennessee Higher Education Commission (THEC), veterans who enroll from out-of-state will not be charged more for tuition and fees than what is paid by the GI Bill, which reimburses for in-state tuition only. In their initial year of enrollment, new enrollees will be counted as in-state students for the purposes of tuition. The University of Tennessee and Tennessee Board of Regents will be reimbursed in-state tuition for any new enrollees by the federal government through the GI Bill. No increase in state expenditures for new military veteran enrollees is anticipated as a result of this bill.

**STAFF RULE ABSTRACT:** In response to recent state and federal legislation, the University Rule on classifying students as in-state or out-of-state must be revised. In response to a new state law, Public Chapter 745 (2014), Section .03(4) of

the amended Rule would add language allowing a student to be classified as in-state if the student:

- is a U.S. citizen;
- resided in Tennessee for at least one year immediately prior to admission; and
- graduated from a public or private high school in Tennessee or earned a high school equivalency diploma in Tennessee.

Section .04(7) of the amended Rule would add language to comply with the Tennessee VETS Act, Public Chapter 612 (2014), which exempts a veteran from paying out-of-state tuition or any out-of-state fee if the veteran:

- has not been dishonorably discharged from a branch of the United States armed forces or the national guard;
- is eligible for Post 9/11 or Montgomery GI Bill Benefits;
- enrolls in a public institution of higher education within 24 months after the date of discharge and maintains continuous enrollment; and
- within one year of enrolling, either registers to vote in Tennessee or demonstrates intent to be a resident of Tennessee (through at least two of the statutorily-prescribed objective evidence of intent).

The amended Rule would also add language to comply with two federal laws regarding military members and veterans:

- Section .04(4) complies with Section 135 of the Higher Education Opportunity Act of 2008 concerning in-state tuition for certain members of the U.S. Armed Forces and their spouses and dependent children.
- Section .04(9) complies with the Veterans Access, Choice, and Accountability Act of 2014, which becomes effective July 1, 2015.

The amended Rule would also:

- clarify the definition of an emancipated person;
- include a statement that undocumented aliens cannot establish domicile in Tennessee;
- ensure that classifications are performed in accordance with the Eligibility Verification for Entitlements Act, Tennessee Code Annotated, Section 4-58-101, et seq.;
- delete language in Section .04 that relates only to the Tennessee Board of Regents; and
- harmonize certain language with the language of the Tennessee Board of Regents' rule on classifying students.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The Regulatory Flexibility Addendum is not applicable.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The University of Tennessee anticipates that this rule change will have minimal to no impact on local governments.

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**For Department of State Use Only**

Sequence Number: 05-14-15  
Rule ID(s): 5953  
File Date: 5/27/15  
Effective Date: 8/25/15

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	University of Tennessee
<b>Division:</b>	
<b>Contact Person:</b>	Matthew Scoggins, Assistant General Counsel
<b>Address:</b>	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
<b>Zip:</b>	37996-0170
<b>Phone:</b>	865-974-3245
<b>Email:</b>	scoggins@tennessee.edu

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

**Repeal**

Chapter Number	Chapter Title
1720-01-01	Residency Classification
Rule Number	Rule Title
1720-01-01-.01	Intent
1720-01-01-.02	Definitions
1720-01-01-.03	Rules for Determination of Status
1720-01-01-.04	Out-of-state Students Who are Not Required to Pay Out-of-State Tuition
1720-01-01-.05	Presumption
1720-01-01-.06	Evidence to be Considered for Establishment of Domicile
1720-01-01-.07	Appeal
1720-01-01-.08	Effective Date for Reclassification

**New**

Chapter Number	Chapter Title
1720-01-01	Classifying Students In-State and Out-of-State
Rule Number	Rule Title
1720-01-01-.01	Intent
1720-01-01-.02	Definitions
1720-01-01-.03	Rules for Determination of Status
1720-01-01-.04	Out-of-State Students Who are Not Required to Pay Out-of-State Tuition
1720-01-01-.05	Presumption

1720-01-01-.06	Evidence to be Considered for Establishment of Domicile
1720-01-01-.07	Appeal
1720-01-01-.08	Effective Date for Reclassification

RULES OF  
THE UNIVERSITY OF TENNESSEE (ALL CAMPUSES)

**CHAPTER 1720-01-01**  
**CLASSIFYING STUDENTS**  
**IN-STATE AND OUT-OF-STATE**  
**RESIDENCY CLASSIFICATION**

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<u>1720-01-01-.02 Definitions</u>	<u>1720-01-01-.06 Evidence to Considered for Establishment of Domicile</u>
<u>1720-01-01-.03 Rules for Determination of Status</u>	<u>1720-01-01-.07 Appeal</u>
<u>1720-01-01-.04 Out-of-state Students Who Are Not Required</u>	<u>1720-01-01-.08 Effective Date for Reclassification for Pay Out-of-State Tuition</u>

**1720-01-01-.01 INTENT.**

- (1) It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified "in-state" or "out-of-state" for fees and tuition purposes and for admission purposes.

*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; Tenn. Code Ann. § 49-9-105. *Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.

**1720-01-01-.02 DEFINITIONS.** Wherever used in these regulations.

- (1) "Public higher education institution" shall mean a university or community college supported by appropriations made by the Legislature of this State.
- (2) "Residence" shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- (3) "Domicile" shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish or having established a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
- (4) "Emancipated person" shall mean a person who ~~is no longer in the care, custody and control of his or her parent~~ has attained the age of eighteen (18) years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and are no longer under any legal obligation to support or maintain such person.
- (5) "Parent" shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such emancipated person.
- (6) "Continuous enrollment" or "continuously enrolled" shall mean enrollment at a public higher educational institution or institutions of this State as a full-time student, as such term is defined by the governing body of said public higher education institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or ~~other~~ such intersessions beyond the normal academic year in order that his or her enrollment be deemed "continuous". Enrollment shall be deemed continuous notwithstanding lapses in enrollment occasioned solely by the

scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

(7) “U.S. Armed Forces” shall mean the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.

(8) “Veteran” means:

(a) a former member of the U.S. Armed Forces; or

(b) a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the United States, as defined in Tennessee Code Annotated § 58-1-102.

*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; *Tenn. Code Ann. § 49-9-105.* *Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 19, 1995; effective February 28, 1996.

#### **1720-01-01-03 RULES FOR DETERMINATION OF STATUS.**

- (1) Every person having his or her domicile in this State shall be classified “in-state” for fee and tuition purposes and for admission purposes.
- (2) Every person not having his or her domicile in this State shall be classified “out-of-state” for fee and tuition purposes and for admission ~~said~~ purposes.
- (3) The domicile of an unemancipated person is that of his or her parent, except as provided in paragraph (4) of this Section .03. Unemancipated students of divorced parents shall be classified “in-state” when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in paragraph (4) of this Section .03.
- (4) A student shall be classified as “in-state” for fee and tuition purposes if the student is a citizen of the United States, has resided in Tennessee for at least one (1) year immediately prior to admission, and has:
  - (a) Graduated from a Tennessee public secondary school;
  - (b) Graduated from a private secondary school that is located in Tennessee; or
  - (c) Earned a Tennessee high school equivalency diploma.
- (5) The spouse of a student classified as “in-state” shall also be classified “in-state.”
- (6) All classifications shall be subject to the Eligibility Verification for Entitlements Act, Tennessee Code Annotated § 4-58-101 et seq.

*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee 1807, Chapter 64; *Tenn. Code Ann. § 49-9-105.* *Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment October 19, 1995; effective February 28, 1996.

#### **1720-01-01-04 OUT-OF-STATE STUDENTS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION.**

- (1) An unemancipated, currently enrolled student shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission

purposes so long as his or her enrollment at a public higher educational institution or institutions shall be continuous.

- (2) An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed ~~in this State or~~ at Fort Campbell pursuant to military orders shall be classified out-of-state, but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.
- ~~(3) A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University. Provided, however, that there be no teacher college or normal school within the non-resident's own state, of equal distance to said non-resident's bona fide place of residence.~~
- (34) Part-time students who are not domiciled in this State but who are employed full-time in the State, ~~or who are stationed at Fort Campbell pursuant to military orders,~~ shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- (45) Military personnel and their spouses—A member of the U.S. Armed Forces on active duty for more than thirty (30) days and who has a permanent duty stationed in the State of Tennessee (or the spouse or dependent child of such a member) who should be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall continue to apply to such a member, spouse, or dependent child while continuously enrolled at that public higher education institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.
- (56) A person who is domiciled in the Kentucky counties of Fulton, Hickman, or Graves shall be classified out-of-state and shall not be required to pay out-of-state tuition at The University of Tennessee at Martin if qualified for admission. This exemption is on condition that Murray State University in Murray, Kentucky, continues to admit Tennessee residents from selected Tennessee counties to enroll at that institution without payment of out-of-state tuition.
- (67) Any dependent child not domiciled in Tennessee but who qualifies and is selected to receive a scholarship under the "Dependent Children Scholarship Act" (T.C.A. § 49-4-704) because his or her parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of employment, shall be classified out-of-state but shall not be required to pay out-of-state tuition.
- (78) The spouse of a student classified as "in-state" shall also be classified "in-state." A veteran enrolled in any public institution of higher education in this State shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:
- (a) Has not been dishonorably discharged from a branch of the U.S. Armed Forces or the national guard;
  - (b) Is eligible for Post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
  - (c) Enrolls in a public institution of higher education, after satisfying all admission requirements, within twenty-four (24) months after the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.

To continue to qualify for in-state tuition and fees under this subsection, a veteran shall:

- (a) Maintain continuous enrollment (as defined by the public institution of higher education in which the veteran is enrolled); and

(b) Within one (1) year of enrolling in the public institution of higher education:

(1) Register to vote in the State of Tennessee; or

(2) Demonstrate by objective evidence intent to be a resident of the State of Tennessee by obtaining at least two (2) of the following:

(i) A Tennessee driver's license;

(ii) A Tennessee motor vehicle registration;

(iii) Proof of established employment in the State of Tennessee; or

(iv) Other documentation clearly evidencing domicile or residence in this State, as determined by the Tennessee Higher Education Commission.

(89) Students not domiciled in Tennessee but who are selected to participate in ~~specified~~-institutional undergraduate ~~H~~onors ~~P~~rograms specified by the public higher education institution in which the student is enrolled shall be classified out-of-state but shall not be required to pay out-of- state tuition.

(9) A "covered individual" under the federal Veterans Access, Choice, and Accountability Act of 2014, Public Law 113-146, who maintains continuous enrollment at the same public institution of higher education.

(10) A person whose domicile is in Mississippi County, Arkansas, or either Dunlin County or Pemiscot County, Missouri, and who is admitted to Dyersburg State Community College, shall be classified out-of state but shall not be required to pay out-of state tuition.

(11) A person who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two-year TBR institution and who is admitted to a two-year TBR institution, shall be classified out-of state, but shall not be required to pay out-of state tuition. The two-year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without out-of-state tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102)

*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, Public Acts of Tennessee, 1807, Chapter 64; *Tenn. Code Ann. §§ 49-7-1304, 49-7-1305, 49-9-105; 20 U.S.C. § 1015d; 38 U.S.C. § 3679.* *Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 18, 1989; effective January 29, 1990. Amendment October 19, 1995; effective February 28, 1996.

**1720-01-01-.05 PRESUMPTION.** Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time or part-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; *Tenn. Code Ann. § 49-9-105.* *Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.

**1720-01-01-.06 EVIDENCE TO BE CONSIDERED FOR ESTABLISHMENT OF DOMICILE.** If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will

not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; Tenn. Code Ann. § 49-9-105.* **Administrative History:** *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

**1720-01-01-.07 APPEAL.** The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state<sup>23</sup>" or "out-of-state<sub>2</sub>"; Appropriate procedures shall be established by each such institution by which a student may appeal his or her initial classification.

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; Tenn. Code Ann. § 49-9-105.* **Administrative History:** *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

**1720-01-01-.08 EFFECTIVE DATE FOR RECLASSIFICATION.** If a student classified out-of-state applies for in-state classification and is subsequently so classified his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any ~~quarter or~~ semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the last day of regular registration of that ~~quarter or~~ semester.

**Authority:** *Public Acts of Tennessee, 1839-1840 Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64; Tenn. Code Ann. § 49-9-105.* **Administrative History:** *Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986.*

**1720-01-01-.09 REPEALED.**

**Authority:** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee 1807.* **Administrative History:** *Original rule filed November 23, 1976; effective December 23, 1976. Repeal filed May 27, 1986; effective August 12, 1986.*

\* 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)
Governor Bill Haslam				X	
Commissioner Julius Johnson	X				
Commissioner Candice McQueen				X	
Dr. Joe DiPietro				X	
Dr. Russ Deaton (non-voting)					
Charles C. Anderson, Jr.	X				
Jalen Blue (non-voting)					
Shannon Brown	X				
George E. Cates	X				
Spruell Driver, Jr.	X				
Dr. William E. Evans	X				
J. Brian Ferguson	X				
John N. Foy	X				
Crawford Gallimore	X				
Dr. David Golden (non-voting)					
Vicky B. Gregg				X	
Raja J. Jubran	X				
Brad A. Lampley	X				
Bonnie E. Lynch	X				
James L. Murphy, III	X				
Sharon J. Miller Pryse	X				
Rhedona Rose	X				
Julia T. Wells	X				
Charles E. Wharton	X				
Tommy G. Whittaker	X				
Dr. Thaddeus A. Wilson	X				

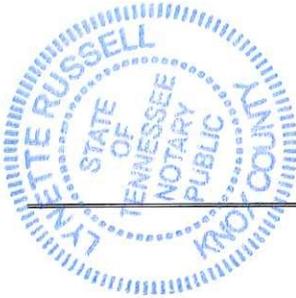
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on 02/26/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a 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 first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: <sup>20</sup> 04/29/2015

Signature: 

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: April 30, 2015  
Notary Public Signature: Lynette Russell  
My commission expires on: 12-4-18

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/15/2015 Date

**Department of State Use Only**

Filed with the Department of State on: 5/27/15

Effective on: 8/25/15

Tre Hargett  
Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

<u>DEPARTMENT:</u>	University of Tennessee
<u>SUBJECT:</u>	Use of University Property
<u>STATUTORY AUTHORITY:</u>	Tennessee Code Annotated, Sections 49-9-209
<u>EFFECTIVE DATES:</u>	August 25, 2015 through June 30, 2016
<u>FISCAL IMPACT:</u>	Minimal
<u>STAFF RULE ABSTRACT:</u>	This rule provides that University of Tennessee property is dedicated to the advancement of the University's principal missions of teaching, research, and service. The rule allows the University, like a private owner of property, to preserve the property under its control for the uses to which it is dedicated.

The key changes to the rule are as follows:

- The rule describes the categories of persons generally authorized to use University property. The changes to the rule clarify the extent to which authorized users may use University property.
- The rule has been amended to set guidelines for the issuance of "no-trespass notices," which are written directives requiring a person to leave or not enter all or part of University property.
- The rule has been amended to add provisions regulating the use of unmanned aircraft on University property.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The Regulatory Flexibility Addendum is not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The University of Tennessee anticipates that this rule change will have minimal to no impact on local governments.

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**For Department of State Use Only**

Sequence Number: 05-15-15  
Rule ID(s): 5954  
File Date: 5/27/15  
Effective Date: 8/25/15

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	University of Tennessee
<b>Division:</b>	
<b>Contact Person:</b>	Matthew Scoggins, Deputy General Counsel
<b>Address:</b>	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
<b>Zip:</b>	37996-0170
<b>Phone:</b>	865-974-3245
<b>Email:</b>	scoggins@tennessee.edu

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Repeal

Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-.01	Dedication of University Property
1720-01-02-.02	Authorized Users
1720-01-02-.03	Use of University Property for Free Expression Activities

New

Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-.01	Dedication of University Property
1720-01-02-.02	Definitions
1720-01-02-.03	Authorized Users and Permissible Uses
1720-01-02-.04	Use of University Property for Free Expression Activities
1720-01-02-.05	No-Trespass Notices
1720-01-02-.06	Use of Unmanned Aircraft

**RULES  
OF  
THE UNIVERSITY OF TENNESSEE**

**CHAPTER 1720-01-02  
USE OF UNIVERSITY PROPERTY**

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<u>1720-01-02-.03 Authorized Users and Permissible Uses</u>	<u>1720-01-02-.06 Use of Unmanned Aircraft</u>

**1720-01-02-.01 DEDICATION OF UNIVERSITY PROPERTY.** The University of Tennessee (“University”) dedicates its property exclusively to the advancement of the University’s principal missions of teaching, research, and service. The University regulates its property to preserve it for the advancement of the University’s principal missions.

**1720-01-02-.02 DEFINITIONS**

- (1) The term “University property” means all land, grounds, structures, and any other physical property owned, controlled, or operated by the University of Tennessee.
- (2) The term “University unit” means any academic, administrative, or auxiliary department or division of the University or any other official entity of the University, functioning through University employees acting within the scope of their University employment.
- (3) ~~For purposes of this Section .06,~~ The term “unmanned aircraft” means a device that is used or is intended to be used for flight in the air without an individual in or on the device (e.g., drone, model aircraft).

**1720-01-02-.03~~2~~ AUTHORIZED USERS AND PERMISSIBLE USES.**

- (1) ~~The following persons or groups may use University property, subject to Section .02(2); other University rules, policies, or procedures adopted by a University campus, center, or institute; and federal, state, and local laws:~~ The use of University property is limited to the following persons, subject to Section .03(2) and Section .05:
  - (a) University students;
  - (b) University employees;
  - (c) Members of the Board of Trustees;
  - (d) Government officials acting in their official capacities;
  - (e) A person or entity invited by a University unit, including but not limited to, a person or entity who has a contract to provide services to the University, provided that the use of University property shall not exceed the scope of the University unit’s invitation.~~A person or entity invited by the University, including, but not~~

~~limited to, a University contractor;~~

- (f) A person who has been invited by a University student, ~~a~~-student organization, or ~~an~~-employee in his/her personal capacity, to join the student, student organization, or employee in the use of University property (e.g., friends and family), but not including the use of University property for free expression activities, provided that the use of University property shall not exceed the scope of the invitation;
- (g) A non-affiliated person using University property for free expression activities pursuant to Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities);
- (h) Volunteers of the University, as defined by University policy, within the scope of their volunteer work;
- (i) Prospective students visiting University property and persons accompanying prospective students for purposes reasonably necessary to evaluate the University as an educational institution;
- (j) Alumni visiting University property and persons accompanying alumni;
- (k) A person who has a right of access to University property under Tennessee Code Annotated § 8-50-1001 or any other statutory provisions permitting access to University property;
- (l) Any person or entity engaged in one of the following uses of University property:
  - 1. The use of University property for the purpose of attending a University activity or event that is open to attendance by the members of the general public at a designated place and time (e.g., athletic contests, plays, lectures, concerts);
  - 2. The use of University-owned streets, or University-owned sidewalks bordering University-owned streets, as thoroughfares while traveling from one location to another location;
  - 3. The use of University property that is open to the general public (e.g., campus bookstore, library, museum);
  - 4. The use of University property consistent with the terms of a lease agreement with the University; or
  - 5. The use of University property for a purpose relating to obtaining medical treatment from the University.

(2) The use of University property shall be consistent with the University's principal missions of teaching, research, and service. A person using University property shall not:

- (a) block or substantially impede vehicular, bicycle, pedestrian, or other traffic;

- (b) block or substantially impede entrances or exits to University property;
  - (c) substantially disrupt or interfere with University operations, events, or activities;
  - (d) substantially disrupt or interfere with the ability of a student to sleep or study in a University residence hall between the hours of 10:00 p.m. and 6:00 a.m. during an academic term;
  - (e) substantially disrupt or interfere with the ability of a student to study in a University library;
  - (f) violate a federal, state, or local law, rule, regulation, or ordinance;
  - (g) violate University rules, policies, or procedures;
  - (h) engage in speech that is obscene; is defamatory; consists of fighting words; communicates an objectively serious expression of intent to commit an act of unlawful violence to a particular individual or group; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
  - (i) engage in camping in violation of Tennessee law, the Equal Access to Public Property Act of 2012, unless the area on which camping occurs has been specifically designated by the University as available for camping;
  - (j) unreasonably threaten the health or safety of another person; or
  - (k) damage or deface University property, including, but not limited to, grass, shrubs, trees, or other landscaping.
- (3) Nothing in Section .03(2) shall be construed to prohibit a use of University property that has been expressly authorized by the University (e.g., a construction project that temporarily interferes with the use of a street);

**1720-01-02-.043 USE OF UNIVERSITY PROPERTY FOR FREE EXPRESSION ACTIVITIES.** Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities) governs the use of University property for free expression activities by persons who are not affiliated with the University. To the extent of any conflict between this Chapter and Chapter 1720-01-12, Chapter 1720-01-12 shall control.

**1720-01-02-.05 NO-TRESPASS NOTICES.**

- (1) A No-Trespass Notice (“Notice”) is a written directive requiring a person to leave and/or not enter all or part of University property.
- (2) The following persons are authorized to issue a Notice:
  - (a) The President of the University;

- (b) The chief executive officer of a University campus or institute (e.g., Chancellor);
  - (c) The chief academic officer of a University campus or institute;
  - (d) The chief business officer of a University campus or institute;
  - (e) The chief human resources officer of a University campus or institute;
  - (f) The chief student affairs officer of a University campus or institute; and
  - (g) Sworn law enforcement officers employed by the University.
- (3) A University official authorized under Section .05(2) may issue a Notice to:
- (a) a person who is not authorized to use University property under Section .03(1), and who has refused to leave University property, or a specified part of University property, within a reasonable time after the person has received an oral request to leave by a University official;
  - (b) a person who has engaged in a use of University property that is prohibited by Section .03(2), and who has refused to cease the prohibited conduct within a reasonable time after receiving an oral request to do so from a University official;
  - (c) a person who, in the good faith judgment of the University official issuing the Notice, poses an unreasonable threat to the health, safety, or welfare of a person(s) affiliated with the University while on University property;
  - (d) a person who, in the good faith judgment of the University official issuing the Notice, has engaged in conduct that substantially disrupts or interferes with University operations, events, or activities, or is likely to cause such a disruption or interference;
  - (e) a University student who has been suspended or expelled from the University in accordance with the University's student conduct rules, policies, or procedures, and the suspension or expulsion has not been lifted;
  - (f) a University employee who, in accordance with the University's employment policies and procedures, has been temporarily suspended, has been placed on administrative leave, or whose employment is being terminated; or
  - (g) a person who is a former employee or volunteer whose employment or volunteer status was terminated by the University for misconduct in accordance with University rules, policies, or procedures, or who resigned in lieu of termination.
- (4) A Notice must specify: the reason for the Notice; the geographical scope of the restriction; the duration of the restriction, which may be for an indefinite period; the potential consequences of a violation of the Notice; and the process for appealing the issuance of the

Notice. The scope and duration of the restriction imposed must be proportional to the underlying misconduct. In appropriate circumstances, with respect to conduct on University property, a Notice also may prohibit a person from contacting or being within a certain distance from a person affiliated with the University.

(5) Appeals

- (a) A non-affiliated person to whom a Notice has been issued may appeal the decision to the University official who issued the Notice.
- (b) A non-affiliated person must submit the appeal in writing. The written appeal must be received by the University official who issued the Notice within twenty (20) calendar days of the date on which the Notice was provided to the non-affiliated person. A Notice mailed (or e-mailed) to a non-affiliated person shall be deemed to have been provided on the date on which it was mailed (or e-mailed). The written appeal should include the person's reason for being on University property, the person's future need to be on University property, and any other information the person wishes the University official who issued the Notice to consider.
- (c) Upon receipt of a written appeal, the University official who issued the Notice will consult as needed with other University officials to verify the non-affiliated person's need for access to University property, to gather additional information or advice, or to review the impact that granting the appeal may have on persons affiliated with the University.
- (d) Within twenty (20) calendar days of the receipt of an appeal submitted in accordance with this Chapter, the University official who issued the Notice will sustain, rescind or modify the Notice in a written decision that will be mailed to the address provided by the non-affiliated person. The decision of the University official who issued the Notice is final and not appealable within the University.
- (e) The restrictions set forth in the Notice will remain in effect while an appeal of the Notice is pending.
- (f) Other University rules, policies and procedures, rather than this Section .05(5), shall govern appeals filed by University students or employees.
- (6) The University employee who issued a Notice may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the person to whom the Notice was issued.
- (7) The issuance of a Notice for conduct relating to free expression activities shall be consistent with Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities).
- (8) Failure to comply with a Notice may result in issuance of a citation or an arrest for trespassing pursuant to applicable state criminal trespass statutes or local ordinances. Nothing in this Section .05 shall limit or be construed to limit the exercise of the statutory

authority of sworn law enforcement officers of a campus police department to arrest in accordance with the laws of this state or local ordinances. Nor shall anything in this Section .05 limit or be construed to limit the authority of sworn law enforcement officers of a campus police department to issue an oral request instructing a person to leave and/or not enter all or part of University property.

- (9) Nothing in this Section .05 shall limit or be construed to limit the ability of a University official to issue a lawful directive to an employee whom he/she supervises not to enter certain parts of University property.
- (10) For purposes of this Section .05, the term “non-affiliated person” means any person who is not a University student, student organization, employee, or volunteer.

#### **1720-01-02-.06 USE OF UNMANNED AIRCRAFT.**

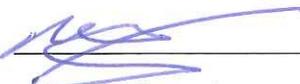
- (1) The purpose of the restrictions in this Section .06 is to ensure the safe and orderly use of unmanned aircraft on, at, inside, or above University property.
- (2) Unmanned aircraft shall not be used:
- (a) By a person who is not authorized to use University property under Section .03;
  - (b) At a time, in a place, or in a manner prohibited under Section .03;
  - (c) Inside University buildings or facilities;
  - (d) On or above University-owned streets or University-owned sidewalks;
  - (e) Above a human being who is either not directly participating in the operation of the unmanned aircraft or not located under a covered structure that can provide reasonable protection from a falling unmanned aircraft;
  - (f) On or above a University campus within four hours prior to the scheduled kickoff time of an intercollegiate football game on that campus, during the game, or within two hours after the conclusion of the game;
  - (g) Outside the hours of official sunrise and sunset; or
  - (h) In a manner that violates federal or state law, including, without limitation, regulations issued by the Federal Aviation Administration.
- (3) This Section .06 does not apply to unmanned aircraft used by a University unit, including faculty conducting research using unmanned aircraft, or a person or entity with whom the University has contracted to operate an unmanned aircraft; provided, however, that unmanned aircraft shall be used in accordance with federal and state law, including, without limitation, regulations issued by the Federal Aviation Administration.

\* 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)
Governor Bill Haslam				x	
Commissioner Julius Johnson	x				
Commissioner Candice McQueen				x	
Dr. Joe DiPietro				x	
Dr. Russ Deaton (non-voting)					
Charles C. Anderson, Jr.	x				
Jalen Blue (non-voting)					
Shannon Brown	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Dr. William E. Evans	x				
J. Brian Ferguson	x				
John N. Foy	x				
Crawford Gallimore	x				
Dr. David Golden (non-voting)					
Vicky B. Gregg				x	
Raja J. Jubran	x				
Brad A. Lampley	x				
Bonnie E. Lynch	x				
James L. Murphy, III	x				
Sharon J. Miller Pryse	x				
Rhedona Rose	x				
Julia T. Wells	x				
Charles E. Wharton	x				
Tommy G. Whittaker	x				
Dr. Thaddeus A. Wilson	x				

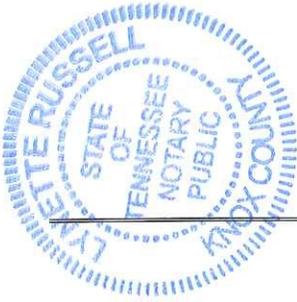
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on 02/26/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a 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 first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 04/30/2015

Signature: 

Name of Officer: Matthew Scoggins

Title of Officer: Deputy General Counsel



Subscribed and sworn to before me on: April 30, 2015  
Notary Public Signature: Lynette Russell  
My commission expires on: 12-4-18

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/15/2015 Date

**Department of State Use Only**

Filed with the Department of State on: 5/27/15  
Effective on: 8/25/15

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Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

<b><u>DEPARTMENT:</u></b>	State Board of Education
<b><u>SUBJECT:</u></b>	Work-Based Learning
<b><u>STATUTORY AUTHORITY:</u></b>	Tennessee Code Annotated, Section 49-1-302(a)
<b><u>EFFECTIVE DATES:</u></b>	August 20, 2015 through June 30, 2016
<b><u>FISCAL IMPACT:</u></b>	None
<b><u>STAFF RULE ABSTRACT:</u></b>	<p>This rule will delete redundancies in State Board of Education Rule 0520-01-03.06 by aligning the requirements for all forms of work-based learning, including service learning and school-based enterprise. It also establishes that a Work-Based Learning Framework, as outlined in the newly-revised State Board of Education Policy 2.103, will govern the expectations for all forms of work-based learning experiences.</p> <p>The rule will provide greater flexibility for the Department of Education to expand work-based learning opportunities for students, using a Work-Based Learning Policy Guide and the Work-Based Learning Implementation Guide that can be updated annually by the Division of Career and Technical Education in the Department.</p>

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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**For Department of State Use Only**

Sequence Number: 05-07-15  
 Rule ID(s): 5946  
 File Date: 5/22/15  
 Effective Date: 8/20/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	Rule Title
0520-01-03-.06	Graduation, Requirement E

Chapter Number	Chapter Title
Rule Number	Rule Title

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

0520-01-03-.06 Graduation, Requirement E

(3) ~~Out-of-School and~~ Work-Based Learning Experiences.

- (a) ~~Local boards of education are authorized to adopt policies permitting students to earn a maximum of two (2) high school credits for out-of-school experiences which are not work-based learning. Such policies shall conform to the Guide for Out-of-School Experiences when developed by the Department of Education and approved by the State Board of Education. Local boards of education are authorized to implement work-based learning (WBL) experiences, school-based enterprises, and service learning experiences where students learn at the work site, school site or in the community, during and/or outside of normal school hours. These experiences must be integrated with classroom instruction and student plans of study and adhere to the Work-Based Learning Framework requirements (State Board of Education Policy 2.103) to ensure robust application of both academic concepts and employability skills.~~
- (b) ~~Local boards of education are authorized to implement internship, clinical, cooperative education, youth apprenticeship, and registered apprenticeship programs to provide work-based learning experiences where students learn at the work site. These work-based learning experiences must be integrated with classroom instruction or the student's program of study; follow a training plan developed by employers, teachers and students; and teach all aspects of a particular industry or career. In order to ensure that WBL experiences are of high quality, the Department of Education shall develop a Work-Based Learning Framework (State Board of Education Policy 2.103) for approval and adoption by the State Board of Education. The Department of Education will also provide local boards of education with a Work-Based Learning Policy Guide and a Work-Based Learning Implementation Guide to address training requirements, program expectations, and legal requirements. These documents will be reviewed annually by the Department of Education and will be updated as necessary for dissemination to local boards of education.~~
- (c) ~~Local boards of education are authorized to implement programs for school-based enterprises, studios, laboratories, and service learning to provide work-based learning experiences in which students learn through work completed at the school site or in the community. These work-based learning experiences must be integrated with classroom instruction; follow a training plan developed by teachers, students, and employers when available; and teach multiple aspects of the enterprise.~~
- (d) ~~In order to assure that work-based learning experiences are of high quality, the Department of Education shall develop a Work-Based Learning Guide to be distributed to local boards of education. Prior to distribution, the Work-Based Learning Guide shall be submitted to the State Board of Education for approval; all subsequent revisions shall be approved by the State Board of Education. The Work-Based Learning Guide shall include as a minimum program components and standards; templates for a training plan and program evaluation; a legal issues guide; and requirements for safety training for students and teachers. The Work-Based Learning Guide shall also include the implementation guidelines for each work-based learning program covering the following areas:~~

1. ~~Program coordination~~
2. ~~Student selection process (if any)~~
3. ~~Related classroom instruction~~
4. ~~On-the-job supervision~~
5. ~~Training plan and other required documentation~~
6. ~~Program evaluation~~

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards				X	
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 10/31/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES:  
January 9, 2016

State Board of Education Rules  
Chapter 0520-01-03 - Minimum Requirements for the Approval of Public Schools  
Rule 0520-01-03-.06 - Graduation, Requirement E

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/4/2015  
Date

**Department of State Use Only**

Filed with the Department of State on:

5/22/15

Effective on:

8/20/15

Tre Hargett

Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

<u>DEPARTMENT:</u>	State Board of Education
<u>SUBJECT:</u>	Teacher Employment Standards
<u>STATUTORY AUTHORITY:</u>	Tennessee Code Annotated, Section 49-6-6006
<u>EFFECTIVE DATES:</u>	August 24, 2015 through June 30, 2016
<u>FISCAL IMPACT:</u>	None
<u>STAFF RULE ABSTRACT:</u>	<p>T.C.A. §49-6-6006 requires teachers, who teach courses in which an end of course exam is required for students to satisfy graduation requirements, to pass a criterion-referenced test or standardized test if their license does not carry a subject specific endorsement for the subject area of the course. This statutory requirement has impacted a large number of middle school and special education teachers who teach Algebra I, but do not carry a secondary mathematics endorsement.</p> <p>Currently, the Employment Standard in State Board Rule 0520-01-02-.03(3) allows a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01(2)(c), an endorsement to teach through at least grade eight, a passing score on the middle school math Praxis, and attendance at state-approved training to teach Algebra I at any grade level. In order to continue high expectations and provide teachers another way to demonstrate mastery of the Algebra I content, the new proposed rule includes two additional options for teachers to meet the employment standard:</p> <ol style="list-style-type: none"><li>1. Receive a passing score on a supplemental test in the content area approved for this purpose by the department. This test will fulfill the requirement established in statute and allow teachers with a license up to grade eight to teach Algebra I at any level; or</li><li>2. Have a one year, two year, or three year TVAAS score of Level 5 in Algebra I in the 2011-12, 2012-13, or 2013-14 school year.</li></ol>

This change will allow teachers to meet the employment standard by passing Praxis 5169 and meeting one of the following:

1. Attending a state-approved training; or
2. Receiving a passing score on a supplemental test (in addition to Praxis 5169) in the content area approved for this purpose by the department; or
3. Receiving a one year, two year, or three year TVAAS score of Level 5 in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-10-15  
 Rule ID(s): 5949  
 File Date: 5/26/15  
 Effective Date: 8/24/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 701 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-02	Administrative Rules and Regulations
Rule Number	Rule Title
0520-01-02-.03	Employment Standards

Chapter Number	Chapter Title
Rule Number	Rule Title

**CHAPTER 0520-01-02  
ADMINISTRATIVE RULES AND REGULATIONS**

**0520-01-02-.03 EMPLOYMENT STANDARDS**

- (1) A teacher or principal shall hold a valid Tennessee teacher license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.
- (2) A teacher may teach up to two sections of one course outside the area of endorsement. For a teacher to teach more than one course or more than two sections of one course outside the area of endorsement, an employment standard waiver must be requested and approved. Teachers assigned two or more sections of a course outside the area of endorsement before June 30, 1976 may continue to teach those courses until a new assignment is made by the local school officials.
- (3) A classroom teacher with an endorsement in elementary education or early childhood education is eligible to teach any subject, including art, music, and physical education, in the grades covered by the endorsement as part of the teacher's regular classroom assignment. However, a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01-(2)(c), may teach Algebra I at any grade level if they have:
  - (a) Aan endorsement to teach through at least grade eight (8), and
  - (b) Aa passing score on the middle school math PRAXIS, and ~~attendance at state-approved training may teach Algebra I at any grade level.~~
    - (1) Successful completion of a state-approved training, or
    - (2) A passing score on a supplemental test in the content area approved for this purpose by the State Department of Education, or
    - (3) A one (1) year, two (2) year, or three (3) year Tennessee Value-Added Assessment System (TVAAS) score of Level five (5) in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.
- (4) A teacher in grades K through 8 who teaches art, music, or physical education the major portion of the day shall be endorsed in art, music, or physical education respectively. However, a teacher endorsed in elementary education who was assigned to teach music, art, or physical education the major portion of the day during the 1990-91 school year may continue to teach the specific course until such time as a new assignment is made by the local school officials.
- (5) A teacher with a license endorsed in a subject 7-12 may teach any subject in grade six covered by the endorsement.
- (6) Principals.
  - (a) Effective September 15, 2009, assistant principals, teaching principals, or dual assignment personnel with more than fifty percent (50%) of their responsibilities involved in instructional leadership must be properly licensed or be enrolled in a State Board approved instructional leadership preparation program.
  - (b) A principal shall hold one of the following endorsements: beginning administrator, professional administrator, administration/supervision, or principal.

- (c) Individuals employed for the first time as a principal beginning July 1, 1994, shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.
  - (d) Individuals employed for the first time as a principal beginning July 1, 1994, shall be employed with the beginning administrator, administration/supervision or principal endorsements for a maximum of three years; after three years, the principal must be recommended for and attain the professional administrator endorsement for continued employment as a principal. In the event that a candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning principal prior to obtaining the professional administrator endorsement.
  - (e) A principal, with the approval of the superintendent, shall establish and implement an annual plan for personal professional development in accordance with guidelines established by the State Board of Education.
  - (f) A principal of a school with less than 225 students shall not be required to meet the requirements of (a), (b), or (c).
  - (g) A principal holding an endorsement in administration/supervision, supervisor of instruction, or principal on August 31, 1994, shall not be required to meet the requirements of (b) or (c).
- (7) Teaching Personnel in Gifted Education
- (a) A classroom teacher in special or general education providing direct instruction to students identified by state criteria as intellectually gifted students shall meet the following employment standards:
    1. The teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and
    2. The teacher shall meet one of the following standards:
      - (i) The teacher shall work in consultation with a teacher who meets the standards for consulting teachers listed in (b) or
      - (ii) The teacher shall have completed six semester hours of college or university course work or the equivalent contact hours in teaching gifted students approved by the Department of Education or
      - (iii) The teacher shall hold an endorsement in gifted education.
  - (b) A consulting teacher in special or general education who works with other teachers or who teaches classes especially designed for gifted students in grades prekindergarten through twelve shall meet the following employment standards:
    1. The consulting teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and
    2. The consulting teacher shall meet one of the following standards:

- (i) The consulting teacher shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or
  - (ii) The consulting teacher shall hold an endorsement in gifted education.
- (c) An individual who serves as a gifted education coordinator in special or general education shall meet one of the following employment standards:
  - 1. The individual shall hold an educator license with an endorsement in gifted education or
  - 2. The individual shall hold an educator license and shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or
  - 3. The individual shall hold a license endorsed in one of the following, beginning administrator, professional administrator, administration/supervision or supervisor of instruction.

A classroom teacher who was endorsed in special education prior to September 1, 1989 and who served gifted students prior to July 1, 1988, may continue to teach eligible intellectually gifted students, provided that they have completed an in-service training program approved by the Department of Education.

- (8) Teachers of Computer Technology, Grades 9-12.
  - (a) A teacher of personal computing, computer productivity applications, and interactive multimedia design shall have a valid Tennessee teacher license with an endorsement in grades 7-12 and shall have completed the equivalent of six semester hours of computer course work or have the appropriate endorsement.
  - (b) A teacher of BASIC and adventures in computing shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of six semester hours of computer course work including at least one programming language.
  - (c) A teacher of programming languages and advanced placement computer science shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of 12 semester hours of computer course work including six semester hours of programming.
- (9) Career and Technical Education
  - (a) A teacher of agricultural education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have appropriate work experience.
  - (b) A teacher of marketing education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have two (2) years of appropriate experience in marketing education.

- (c) A teacher of health science education shall have completed one (1) year of successful employment experience, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.
  - (d) Other occupational educators shall be a high school graduate or higher. The teacher shall have a minimum of five (5) years of appropriate and current work experience in the field for which application is made. A combination of career and technical education at the postsecondary level from a state approved institution, or other accredited public or private institution, may also be evaluated. The amount of credit awarded for work experience through postsecondary education shall depend on the endorsement and related industry.
- (10) Other Instructional and Related Personnel.
- (a) A school counselor shall hold the appropriate license and endorsement for the grade levels assigned.
  - (b) A school psychologist shall hold a valid license with the school psychologist endorsement.
  - (c) A school social worker shall hold a license with the school social work endorsement.
  - (d) A supervisor of instruction shall hold a valid Tennessee license with one of the following endorsements: beginning administrator, professional administrator, administrator/ supervisor, or supervisor of instruction.
    1. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.
    2. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall be employed with the beginning administrator, administrator/supervisor, or supervisor of instruction endorsements for a maximum of three years. After three years, for continued employment as a supervisor of instruction, the supervisor of instruction must be recommended for and attain the professional administrator endorsement. In the event that the candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning supervisor of instruction prior to obtaining the professional administrator endorsement.
    3. Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.
    4. Persons having an endorsement as a supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license and shall not be required to meet the requirements of 1 or 2.
  - (e) A supervisor of special education shall:

1. Hold a valid Tennessee license with one of the following endorsements: beginning administrator, administrator/supervisor, or supervisor of instruction and shall have three years of experience with programs for children with disabilities; or
  2. Hold a master's degree and a valid Tennessee teacher license with endorsement in at least one area of special education and shall have three years of experience with programs for children with disabilities.
- (f) Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.
- (g) Persons having an endorsement as supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license.
- (h) **Compensatory Education Personnel (Chapter 1).**
1. A project director or supervisor of the subject areas and/or program areas shall hold endorsement as supervisor of instruction, administration/supervision or superintendent.
  2. A Chapter I evaluator shall hold a valid Tennessee teacher license or shall meet employment standards as a school psychologist or school counselor.
  3. Other professional personnel employed in Chapter I programs not otherwise covered by licensure or employment standards shall possess a valid Tennessee teacher license.
- (i) Persons holding career and technical education supervisory positions, including local directors, supervisors, coordinator specialists, assistant principals for career and technical education, and center administrators, shall have one of the following sets of qualifications:
1. A bachelor's degree in career and technical education from an accredited four year college or university, three (3) years of teaching experience in an approved career and technical education program and two (2) years of appropriate employment experience in a recognized occupation, or
  2. A bachelor's degree with a career and technical education endorsement, three (3) years teaching experience, two (2) years of appropriate work experience, and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development, or
  3. An endorsement as a PreK-12 administrator or secondary supervisor or principal and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development.
- (j) Educational assistants shall have not less than a high school education or an equivalency high school diploma; those who have completed one or more years of college shall be given preference in employment.
- (k) A superintendent appointed by the local board of education elected by the general public shall only be required to have a baccalaureate degree. Any elected superintendent shall meet all qualifications set forth in these rules and regulations, which include at least a master's degree with emphasis in administration supervision and related courses.

- (l) Individuals employed by local school systems to provide educational interpreting for students who are deaf shall satisfy the requirements defined below beginning September 1, 1997.
  - 1. An Interpreter/Educational Assistant shall be a high school graduate or equivalent as determined by performance on the General Education Development (GED) Test; and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.
  - 2. An Interpreter/Educational Tutor shall have completed a minimum of 48 semester hours of coursework at a postsecondary level; and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.
  - 3. An Educational Interpreter/Instructor shall have completed a bachelors degree and a program in educational interpreting or hold a valid teacher license; and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.
  - 4. Compensation of an individual providing educational interpreting shall be determined by the local school system and shall take into consideration the level of preparation, training, and work requirements.
- (m) An audiologist shall hold a license with audiologist endorsement.
- (n) A school speech-language pathologist shall hold a school service personnel license with the school speech language pathologist endorsement pursuant to 0520-02-04-.12(2).
- (o) A school speech-language teacher hired by a local school system to work under the direction of a school speech-language pathologist shall hold a school speech-language teacher license (A or B), a teacher license with a school speech-language teacher endorsement or a teacher license with an endorsement 068 or 464 pursuant to 0520-02-03-.01(20).

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards				X	
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 10/31/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/7/15

Signature: *Sara Heyburn*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: *Phyllis E. Childress*

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES:  
January 9, 2016

State Board of Education Rules  
Chapter 0520-01-02 – Administrative Rules and Regulations  
Rule 0520-01-02-.03 – Employment Standards

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/15/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 5/26/15

Effective on: 8/24/15

Tre Hargett  
Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

**DEPARTMENT:** State Board of Education

**SUBJECT:** Operation of School Buses

**STATUTORY AUTHORITY:** Tennessee Code Annotated, Section 49-6-2109

**EFFECTIVE DATES:** August 24, 2015 through June 30, 2016

**FISCAL IMPACT:** Minimal

**STAFF RULE ABSTRACT:** Public Chapter 743 of the 108th General Assembly amended T.C.A. §49-6-2109(b) by revising the language in its entirety. This amendment brings the State Board rule into compliance with the newly-amended law, allowing for conventional and Class D school buses to be used until the buses reach the 18th year from the in service date of the buses and complies with mileage restrictions in the revised statute.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-11-15  
 Rule ID(s): 5950  
 File Date: 5/26/15  
 Effective Date: 8/24/15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-05	Pupil Transportation
Rule Number	Rule Title
0520-01-05-.01	Operation of School Buses

Chapter Number	Chapter Title
Rule Number	Rule Title

**CHAPTER 0520-01-05  
PUPIL TRANSPORTATION**

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

- (1) Records and Reports - The superintendent 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) The State 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.
  - (a) School bus accidents shall be reported to the Department of Education, in the following manner:
    - 1. 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.
    - 2. Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.
  - (b) School bus accidents shall also be reported to the Department of Safety pursuant to rule 1340-03-03-.03(1)(h).
- (3) Liability Insurance (T.C.A. § 49-6-2111).
  - (a) Minimum liability and property damage coverage shall be not less than the amount specified in the table below:

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

- (4) Allocation of Funds - The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds.

- (5) Pre-titled school buses shall meet additional requirements pursuant to T.C.A. § 49-6-2109(b)(~~5~~)(~~G~~) and (~~H~~).
- (6) Approved buses are identified as:
- (a) Type C conventional buses with ~~seventeen-eighteen~~ (187) years or less of service. After ~~twelve-fifteen~~ (152) years of service, year-to-year approval is required from the Commissioner of Safety.
  - (b) Type D transit buses with ~~seventeen-eighteen~~ (187) years or less years of service.
  - (c) Type C or D transit buses with two hundred thousand (200,000) miles or less of recorded travel, ~~and a maximum of seventeen (17) years in service.~~
  - (d) Type A buses with single rear wheels and ten (10) years or less of service.
  - (e) Type A buses with dual rear wheels and twelve (12) years or less of service.
  - (f) Type B buses with fifteen (15) year or less years of service.
- (7) School bus drivers shall meet the following requirements:
- (a) School bus drivers shall have an appropriate commercial driver license issued by the State Department of Safety and shall meet all other rules and regulations of the State Department of Safety as set forth in Chapter 1340-3-3.
  - (b) All school bus drivers shall be required to pass annually a physical and mental examination for commercial drivers as prescribed by the United States Department of Transportation.
  - (c) No person shall be issued a certificate by a local board of education until an investigation has been made to determine whether or not such person has been found guilty of any criminal offense and such criminal records, if any, made a part of his or her permanent file.
- (8) Local school systems shall adopt policies providing for the safe operation of school buses.
- (9) For Cross References to Pupil Transportation Laws see T.C.A. §§ 49-3-1006, 49-6--2101 et seq., 49-6-3104, 55-7-106, and 55-8-151.
- (10) 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.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards				X	
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 10/31/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/8/15

Signature: [Handwritten Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4/8/15

Notary Public Signature: [Handwritten Signature]

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES:  
January 9, 2016

State Board of Education Rules  
Chapter 0520-01-05 – Pupil Transportation  
Rule 0520-01-05-.01 – Operation of School Buses

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  
Herbert H. Slatery III  
Attorney General and Reporter  
5/15/2015  
Date

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Filed with the Department of State on: 5/26/15  
Effective on: 8/24/15  
Tre Hargett  
Tre Hargett  
Secretary of State

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## **G.O.C. STAFF RULE ABSTRACT**

**BOARD:** State Board of Education

**SUBJECT:** Educator Preparation

**STATUTORY AUTHORITY:** Tennessee Code Annotated, Section 49-1-302

**EFFECTIVE DATES:** August 27, 2015 through June 30, 2016

**FISCAL IMPACT:** None

**STAFF RULE ABSTRACT:** Repeals Rule 0520-02-04 Licensure in its entirety and replaces with new rule entitled "Educator Preparation".

The new language of the proposed rule focuses on the broad purposes and authorities related to the preparation of Tennessee educators. Information related to specific components of preparation, including requirements related to clinical practice, will be included in revised policy regarding educator preparation that will be introduced as the Board engages with a national accrediting body. The new policy will also offer new metrics related to measuring the effectiveness of educator preparedness programs.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This will have no impact on local governments.

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Sequence Number: 05-26-15  
 Rule ID(s): 5956  
 File Date: 05-29-15  
 Effective Date: 08-27-15

# Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-02-04	Licensure
Rule Number	Rule Title
0520-02-04-.01	General Information and Regulations


Licensure Educator Preparation  
0520-02-04

0520-02-04-.01 General Information and Regulations.

- (1) All educator preparation providers and the licensure programs they offer must be approved by the State Board of Education. Approval shall be awarded based on policies established by the State Board of Education.

Licensure programs may be offered by Tennessee institutions of higher education, Tennessee local education agencies, education-related organizations, or the Tennessee Department of Education.

- (2) All approved educator preparation providers offered by Tennessee institutions of higher education and education-related organizations must establish and document a collaborative partnership with at least one Tennessee local education agency. Requirements for this partnership are defined in State Board of Education policy.

- (3) Licensure programs, which are conditionally or fully approved by the State Board of Education according to State Board of Education Policy, will be eligible to prepare and recommend candidates for licensure.

- (4) Educator preparation providers must identify the area(s) of endorsement, for which the candidate is recommended when the licensure application is submitted. Eligibility for endorsement areas are defined in State Board of Education policy.

- (5) Educator preparation providers that offer programs for additional endorsements shall submit to the Tennessee Department of Education a list of specialty areas in which additional endorsements are offered. Providers will verify completion of the appropriate course requirements to the Tennessee Department of Education.

- ~~(1) Securing a License or Certificate. The educator shall be responsible for securing a license or certificate, verifying its accuracy, maintaining its validity, registering it with the employing board of education, and meeting the requirements of T.C.A. §49-5-101. Teaching contracts are invalid if a license is allowed to lapse.~~

- ~~(2) Duration of License or Certificate. A license or certificate is valid as of the date of issuance. The duration of a license or certificate is calculated as beginning the September 1 preceding the issuance, except the duration of a license or certificate issued after March 1 will be calculated as beginning the September 1 following the issuance.~~

- ~~(3) Change of Name. If the holder of a license or certificate changes his or her name by legal means, the holder must report such changes to the Office of Teacher Licensing and Certification.~~

- ~~(4) Duplicate License or Certificate. A duplicate license or certificate may be obtained when the original has been lost or destroyed. The applicant must submit a notarized application to the Office of Teacher Licensing and Certification.~~

- ~~(5) Correspondence and Extension Credit. Credit earned by correspondence and extension instruction with a member of the National University Extension Association or the Teacher College Association for Extension and Field Services shall be accepted for licensure purposes to the extent of one fourth of the amount of credit necessary for the particular license desired.~~

- ~~(6) Experience in Lieu of Student Teaching. An applicant for a license based on at least a bachelor's degree may present evidence of 3 years of successful teaching experience in an approved~~

~~school or an NAEYC accredited early childhood education program at the grade level of work authorized by the endorsement sought in lieu of student teaching.~~

~~(7) Military Service~~

- ~~(a) The duration of a license may be extended from the date of termination of military service for the number of years, not to exceed four, which the holder spent in military service during the life of the license. Four calendar months military service during any school year shall be counted as a full year for purposes of extending the license.~~
- ~~(b) The five years preceding the issuance of a teacher license, within which time academic credit must be earned, shall not include the years spent in military service.~~

~~(8) Validation of Credit from an Unapproved Institution.~~

- ~~(a) Credit from an unapproved institution may be accepted for licensure when such credit has been accepted in full on a transcript by an approved institution for advanced standing toward a degree, provided that not less than 8 semester hours of satisfactory work has been completed in the approved institution.~~
- ~~(b) Degree or credit from an institution accredited by a regional accrediting association but not approved for teacher education will be accepted.~~
- ~~(c) An applicant who holds the bachelor's degree from an unapproved institution and has otherwise met all of the requirements for a license may validate the degree and apply for a license as follows:
  - ~~1. Enter an approved graduate school and complete a minimum of one semester in an approved teacher education program.~~
  - ~~2. Secure from said graduate school a properly certified statement to the effect that all deficiencies and/or probations have been met.~~~~

~~(9) Denial, Formal Reprimand, Suspension and Revocation of License.~~

- ~~(a) Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, 39-13-532, and/or 39-13-527 (including conviction on a plea of guilty or nolo contendere). The Board will notify persons whose licenses are subject to automatic revocation at least 30 days prior to the Board meeting at which such revocation shall occur.~~
- ~~(b) The State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:
  - ~~1. Conviction of a felony,~~
  - ~~2. Conviction of possession of narcotics,~~
  - ~~3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,~~
  - ~~4. Falsification or alteration of a license or documentation required for licensure,~~~~

5. ~~Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or~~
6. ~~Other good cause; Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to Tenn. Code Ann. § 49-1-607, default on a student loan pursuant to Tenn. Code Ann. § 49-5-108(d)(2) or failure to report under part (e).~~

~~For purposes of this part (b), "conviction" includes entry of a plea of guilty or nolo contendere or entry of an order granting pre-trial or judicial diversion.~~

~~A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.~~

~~(c) — Restoration of License.~~

1. ~~A person whose license has been suspended shall have the license restored after the period of suspension has been completed, and, where applicable, the person has complied with any terms prescribed by the State Board. Suspended licenses are subject to expiration and renewal rules of the Board.~~
2. ~~A person whose license has been denied or revoked under parts (a) or (b) may apply to the Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.~~

~~(d) — Notice of Hearing. Any person whose license is to be denied, formally reprimanded, suspended or revoked under part (b) or who is refused a license or certificate under part (c) shall be entitled to written notice and an opportunity for a hearing to be conducted as a contested case under the Tennessee Uniform Administrative Procedures Act, T.C.A. §4-5-301, et seq.~~

~~(e) — Notification of Office of Teacher Licensing. It is the responsibility of the superintendent of the employing public or non-public school or school system to inform the Office of Teacher Licensing of licensed teachers or administrators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under parts (a) or (b). The report shall be submitted within thirty (30) days of the suspension, dismissal or resignation. The superintendent shall also report felony convictions of licensed teachers or administrators within 30 days of receiving knowledge of the conviction.~~

~~(10) Licensure for Applicants Trained in Other States.~~

~~(a) — Tennessee has adopted the provisions of Interstate Agreement on Qualification of Educational Personnel as proposed by the National Association of State Directors of Teacher Education and Certification (NASDTEC). Participation in this agreement is~~

~~evidenced by signed reciprocal contracts between Tennessee and other individuals participating states as defined by the Interstate Certification Project (ICP).~~

- ~~(b) — Licensure may be awarded to applicants from states which are not parties to the ICP but which are accredited by or affiliated with the National Council for Accreditation of Teacher Education (NCATE) on the same basis as those applying from states which are party to the ICP agreement.~~
- ~~(c) — Licensure may be awarded applicants not covered by (a) or (b) above on the same basis as those applying from states which are party to the ICP agreement if one of the following conditions is met:
  - ~~1. — The applicant has received a recommendation from a teacher education institution which is NCATE approved; or~~
  - ~~2. — The Tennessee Department of Education has reviewed a state's program for approval of teacher education institutions and has found the program to be acceptable for purposes of granting full licensure in Tennessee; or~~
  - ~~3. — The applicant has been certified by the National Board for Professional Teaching Standards.~~~~
- ~~(d) — The application for licensure must be accompanied by a set of official transcripts supplied by all institutions attended by the applicant.~~
- ~~(e) — Licensure will be awarded in all endorsement areas (the areas most similar to those awarded in Tennessee), which are reflected on the full, currently valid teaching credential(s) supplied by the other qualifying state(s) and the area most closely related to the area of certification by the National Board for Professional Teaching Standards.~~
- ~~(f) — Applicants meeting all requirements and having at least one year of acceptable teaching experience in another state will be issued the out-of-state teacher license. Those meeting all requirements but having less than one year of acceptable experience will be issued the apprentice teacher license.~~
- ~~(g) — No endorsement which requires the master's degree or above as part of its requirements may be awarded to an individual not possessing said degree.~~
- ~~(h) — Applicants with an out-of-state endorsement in a teaching area covering a grade span that is more narrow than the comparable Tennessee K-12 teaching endorsement, shall be awarded the Tennessee endorsement provided that at least one of the following conditions has been met:
  - ~~1. — The applicant has at least one year of documented successful teaching experience in the grade span not covered by the out-of-state endorsement in a school approved by the appropriate state governing body and a positive recommendation from the school system; or~~
  - ~~2. — The applicant has six hours of course work in current content in the teaching area in the grade span not covered by the out-of-state endorsement.~~~~

~~(11) Licensure for Exchange Teachers.~~

- ~~(a) — Purpose. The international exchange teacher license is a professional, time-limited license designed to allow eligible teachers from other nations to teach in Tennessee schools for up to three consecutive years. The license is not renewable after the third~~

year. The intent of this license is to provide a three-year cultural exchange opportunity for Tennessee students and international teachers. If the teacher wishes to remain beyond the third year, the teacher must satisfy all requirements for regular teacher license.

(b) ~~International Teacher Exchange License~~

1. ~~To qualify for the international teacher exchange license, an applicant shall meet the following requirements:~~
  - (i) ~~Hold primary citizenship outside the United States;~~
  - (ii) ~~Hold the U.S. equivalent of a bachelor's degree or higher;~~
  - (iii) ~~Hold a foreign teacher credential in a field comparable to that recognized in Tennessee;~~
  - (iv) ~~Demonstrate proficiency in English;~~
  - (v) ~~Provide verification from a Tennessee director of schools of intent to employ; and~~
  - (vi) ~~Provide a recommendation by the government of a country with whom the Department of Education has signed a memorandum of agreement or by a recognized international exchange program.~~
2. ~~Mentoring Requirements. The employing school shall establish a mentoring system providing international exchange teachers with: an orientation to the school; guidance in the basic principles of curriculum, instruction, and classroom management; appropriate resources; and on-going induction support as the teacher adjusts to professional expectations and the school situation.~~
3. ~~Local Evaluation. The employing school shall annually evaluate the teacher using a method approved by the state board of education. Continued employment under the license shall be contingent on the teacher's successful evaluation.~~
  - (a) ~~Validity Period. The international teacher exchange license is valid for three years and is non-renewable. The validity period begins on the date all application requirements for the license are met or July 1, whichever is more recent, and expires on June 30, three years later. If the applicant is employed between January 1 and June 30, the validity period begins on the first day of the month of employment and expires June 30, three years later.~~

(12) ~~Approval of Teacher Education Units and Licensure Programs. All teacher preparation program units and licensure programs must be approved by the State Board of Education. This shall be done according to standards and procedures established by the State Board of Education.~~

(b) ~~Teacher preparation programs may be offered by Tennessee institutions of higher education, Tennessee local education agencies or organizations in partnership with Tennessee local education agencies, or the Tennessee Department of Education.~~

(c) ~~Teacher preparation programs offered by Tennessee local education agencies or organizations in partnership with Tennessee local education agencies must document extensive recruitment and rigorous selection of candidates based on district needs.~~

~~(d) — Teacher preparation programs offered by the Tennessee Department of Education must document extensive recruitment and rigorous selection of candidates based on statewide needs for teachers with strong content knowledge in core academic subjects.~~

~~(13) — Admission to Teacher Education Programs.~~

~~(a) — Each institution of higher education offering teacher education programs will develop and submit to the State Department of Education a description of its admissions procedures, taking into account the Teacher Education Policy (January, 1988, as the same may be amended), National Council of Accreditation of Teacher Education (NCATE) standards, and guidelines promulgated by the State Board of Education.~~

~~(b) — Praxis I, an assessment of academic skills, will be used as a part of the admissions process for entrance into teacher education. — Praxis I offers two testing formats, the Pre-Professional Skills Test (PPST) in a paper and pencil format and the Computer-Based Academic Skills Assessments in a computer delivered format. — Either form is acceptable.~~

~~1. — Candidates seeking admission to approved teacher education programs in Tennessee colleges and universities shall attain scores as follows on either the Pre-Professional Skills Tests or the Computer-Based Academic Skills Assessments.~~

	<del>Pre-Professional Skills Tests</del>	<del>Computer-Based Academic Skills Assessments</del>
<del>Mathematics</del>	<del>173</del>	<del>318</del>
<del>Reading</del>	<del>174</del>	<del>324</del>
<del>Writing</del>	<del>173</del>	<del>319</del>

~~2. — Candidates who fail to pass any required subtest(s) of the PPST may retake such subtests as often as such tests are administered. — Candidates retaking any of the subtests must attain cut off scores in effect at the retesting time.~~

~~3. — Persons who fail the tests after having taken them twice may appeal. — Each institution of higher education will establish an appeals committee to evaluate the appeal of a person who has failed the tests but appears strong on other admissions criteria established by the institution. — Appeals procedures and criteria will take into account the Teacher Education Policy and NCATE standards.~~

~~(c) — Admissions procedures will specify the process by which failure to meet standards may be appealed. — Each institution will report to the State Department of Education annually (1) the number of students admitted to teacher education programs, and (2) the number admitted on appeal.~~

~~(d) — NCATE standards for admission to teacher education programs will apply to all candidates for teacher education, beginning with those seeking admission to teacher education programs in fall 1990.~~

~~(e) — Candidates seeking admission to approved teacher education programs in Tennessee who have attained a composite score of 21 or above on the American College Testing Program (ACT) or a composite score of 22 or above on the Enhanced ACT Assessment or who have attained a combined verbal and mathematical score of 920 or above on the Scholastic Aptitude Test (SAT) or a combined verbal and mathematical~~

score of 1,020 or above on the recentered Scholastic Achievement Test (SAT) shall be exempt from taking a state-mandated test for admission.

- (f) ~~Candidates with a baccalaureate degree from a regionally accredited institution seeking admission to approved graduate-level teacher education programs in Tennessee shall be exempt from taking a state-mandated test for admission provided the institution establishes appropriate test requirements.~~
- (g) ~~Institutions of higher education offering approved programs in school administration and supervision will develop and submit to the State Department of Education a description of admissions procedures in accordance with guidelines established by the State Board of Education.~~
- (h) ~~Candidates with a baccalaureate degree from a regionally accredited institution seeking admission to approved teacher preparation programs in Tennessee offered by Tennessee local education agencies or organizations in partnership with Tennessee local education agencies, or by the Tennessee Department of Education, must have attained a cumulative grade point average of 2.75 on a 4.0 scale, or a 3.00 on a 4.0 scale in the last sixty (60) credit hours.~~
- (14) ~~Experimental Programs of Teacher Education. Institutions of higher education may develop experimental programs leading to teacher licensure. Such programs must be approved by the State Board of Education.~~
- (15) ~~Advanced Academic Training Acceptable for Purposes of Salary Rating on the License.~~
  - (a) ~~Master's Degree Designation.~~

~~An individual who holds a master's degree from a regionally accredited institution shall be granted the master's degree designation for salary purposes if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the degree indicates by the nature of the courses that public education was the primary aim.~~
  - (b) ~~Master's Degree Plus 30 Designation.~~

~~An individual who meets the master's degree designation shall be granted the master's degree plus 30 designation for salary purposes upon completion of 30 additional graduate semester hours of credit if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the nature of the courses indicates that public education was the primary aim. Such credit must be earned from an institution that is regionally accredited.~~
  - (c) ~~Education Specialist's Degree Designation.~~
    1. ~~An individual who holds an education specialist degree from a regionally accredited institution shall be granted the Education Specialist's degree designation for salary purposes.~~
    2. ~~An individual who has earned a terminal professional degree (e.g. Doctor of Medicine, Doctor of Jurisprudence, etc.) shall be given credit at the Education Specialist level if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual. The degree must be earned from an institution that is regionally accredited, accredited by the American Bar Association or the Liaison Committee on Medical Education or approved by a branch of state government.~~

~~(d) — Doctor's Degree Designation.~~

~~An individual who holds a Doctor of Philosophy, Doctor of Education, or Doctor of Arts from a regionally accredited institution shall be granted the doctor's degree designation for salary purposes if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the degree indicates by the nature of the courses that public education was the primary aim.~~

~~(e) — Teachers of occupational education shall receive credit for advanced academic training on the same basis as other teachers.~~

~~(f) — Individuals who seek or hold a license on a professional school service personnel license shall be granted the advanced degree designation for salary purposes if the courses taken are functionally related to the area of endorsement and an institution of higher education with an approved program recommends the individual for licensure.~~

~~(16) — Superseded Regulations. All licensure regulations for initial endorsement that have been superseded by action of the State Board of Education shall be inapplicable no later than six years from the date of Board action.~~

~~(17) — Issuance of licenses or permits to individuals holding advanced degrees. Individuals who hold advanced degrees that are not acceptable for salary purposes from an institution that is regionally accredited but who lack a bachelor's degree may be issued a license or permit at the bachelor's level.~~

~~0520-02-04-.02 — Types of Licenses and Certificates.~~

~~(1) — Credentials Currently Issued.~~

~~(a) — Apprentice License (Teacher, Special Group Teacher). Initial three-year license issued to applicants who have completed a bachelor's degree and an approved program and who have submitted minimum qualifying scores on required teacher licensure examinations. Renewable.~~

~~(b) — Apprentice Occupational Education License. Initial three-year license issued upon satisfactory completion of issuance requirements. Renewable.~~

~~(c) — Professional License. A ten-year teaching license issued upon satisfactory performance at the apprentice level and accrual of three years of teaching experience. Renewable.~~

~~(d) — Professional Occupational Education License. A ten-year teaching license issued upon satisfactory performance at the apprentice level and completion of other issuance requirements including accrual of three years of teaching experience. Renewable.~~

~~(e) — Out-of-State Teacher License. Initial three-year license issued to applicants with acceptable teaching experience in other states. The applicant must have completed a bachelor's degree and an approved teacher education program or a program under terms of a signed reciprocal contract with another state and must have submitted minimum qualifying scores on the required teacher licensure examinations. Renewable.~~

~~(f) — Non-Public School Teacher License. A five-year license issued to persons holding an apprentice or out-of-state license who are employed by a non-public school in Tennessee. The original term of the non-public school teacher license has the same expiration date as the teacher's existing apprentice or out-of-state license. Renewable.~~

- (g) ~~JROTC Teacher License. A five-year license issued to active or retired military personnel who seek to serve as junior reserve officers' training corps (JROTC) teachers, based upon a certification of preparation by the branch of the military approving the teacher placement. The JROTC teacher license does not entitle an individual to teach courses other than those designated as part of the JROTC program, consistent with the requirements of TCA 49-5-108. No other teaching endorsements may be added to a JROTC license. JROTC teachers may earn a teaching credential with an endorsement in a content area through a teacher preparation program approved by the state board of education. Renewable.~~
- (h) ~~International Teacher Exchange License. A three-year license issued to teachers participating in an international teacher exchange programs that meet certain criteria. Nonrenewable.~~
- (i) ~~Professional School Service Personnel License. A ten-year license issued upon satisfactory performance at the apprentice level and accrual of three years of teaching experience. Renewable.~~
- (j) ~~Beginning Administrator A License. Initial five-year license issued to applicants based upon a minimum of a master's degree, an approved school administration and supervision program, and submittal of minimum qualifying scores on the state required test/assessment for principals, supervisors of instruction, or other school administrators. Renewable.~~
- (k) ~~Beginning Administrator B License. Initial five-year license issued to applicants based upon a minimum of a master's degree, an approved school administration and supervision program that included an internship, and submittal of minimum qualifying scores on the state required test/assessment for principals, supervisors of instruction, or other school administrators. Renewable.~~
- (l) ~~Professional Administrator License. A ten-year license issued to applicants upon satisfactory performance for a minimum of two years (one year for applicants with approved internship experience) at the beginning administrator level as a principal, supervisor of instruction, or other school administrator position designated by state board of education policy to qualify for evaluation and recommendation for this license. Renewable. Persons having an endorsement in administration/supervision, supervisor of instruction, or principal on August 31, 1994, shall be issued a professional administrator license, regardless of whether such persons are employed as a principal, supervisor of instruction, or other educational position.~~
- (m) ~~Transitional License. A one-year license issued to applicants with a bachelor's degree who have verified knowledge of the teaching content area in accordance with policies of the State Board of Education and have been admitted to or enrolled in an approved transitional licensure program. Renewable two (2) times upon satisfactory progress toward completion of the program, consistent with state board of education policies. Effective no later than school year 2010-11. Individuals may teach on a transitional license for a maximum of three (3) years.~~
- (n) ~~Interim B Teacher License. A one-year license issued to applicants who meet all licensing requirements but lack minimum qualifying scores on required teacher licensure examinations. Renewable one time.~~
- (o) ~~Interim D License for Interns. A one-year license issued to applicants who have a bachelor's degree and who have been admitted to an approved teacher education program that includes an internship. Renewable two times.~~

~~(p) — Adjunct License. — A one-year license issued to applicants who teach no more than three classes in subject areas of critical shortage as designated by the state board of education and who hold a bachelor's degree, have verified knowledge of the teaching content area and have completed a pre-service preparation program approved by the state board of education. Renewable nine times.~~

~~(q) — Emergency Teaching Credential. — A one-year credential, effective for only one school year, to be issued to displaced licensed teachers under one of the following circumstances:~~

~~(1) — The Governor declares a state of emergency or declares a disaster under TCA 58-2-107, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons, or~~

~~(2) — A federal state of emergency is declared anywhere in the United States, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons.~~

#### ~~0520-02-04-.03 The Transitional License, Interim Licenses, And Permits.~~

~~(1) — The Transitional license is issued to individuals who meet the following requirements and are valid until the following August 31. Effective for teaching no later than school year 2009-10. Individuals may teach on a transitional/alternative license (of any kind) for a maximum of three (3) years.~~

~~(a) — Transitional License~~

~~(1) — The applicant must have been granted at least a bachelor's degree from a regionally accredited institution of higher education. The applicant must meet the content requirements for the desired area of endorsement by one (1) of the following: (a) completion of an academic major in the desired area of endorsement, (b) documentation of at least twenty-four (24) semester hours in the teaching content area, or (c) successful completion of the required specialty examination.~~

~~(2) — The applicant must have been admitted to the transitional teacher preparation program consistent with policies adopted by the state board of education. The applicant must have successfully completed the orientation component of the professional education core before the first renewal of the license.~~

~~(3) — A Tennessee director of schools must state intent to employ the applicant and must provide the requisite support of one (1) or more teacher mentors throughout the transitional licensure period.~~

~~(4) — Applicants are eligible to participate in transitional teacher preparation programs in all teaching areas. Applicants may be required to complete requirements addressing the knowledge and skills specified for the endorsement sought in addition to the professional education core.~~

~~(5) — School systems shall assess the effectiveness of the teacher each year using evaluation procedures approved by the state board of education.~~

~~(6) — Each year of successful teaching on a transitional license shall count as one (1) year towards the professional license.~~

- (7) — One (1) year of successful teaching shall substitute for the student teaching requirement if the transitional licensure program is completed following the first year of teaching. If completion of the transitional licensure program requires two (2) or more years, then two (2) years of successful teaching shall substitute for the student teaching requirement.
- (8) — The transitional license may be reissued two (2) times, as necessary for program completion, provided that the teacher has received a successful evaluation and is making adequate progress in completing the professional development requirements of the transitional teacher preparation program.
- (2) — Interim licenses are issued to individuals who meet the following requirements and are valid until the following August 31.
- (a) — Interim B License.
- (1) — An interim B license shall be issued if the applicant meets all requirements as determined by the state board of education.
- (2) — A Tennessee director of schools must state intent to employ the applicant.
- (3) — An individual may be reissued an interim B license one time provided that a director of schools states intent to employ and a second time if the director verifies that the individual meets the criteria stated in TCA 49-5-5605.
- (4) — A fully licensed teacher from a state other than Tennessee who did not hold a teaching license in another state prior to July 1, 1984, and who meets all requirements except testing requirements, shall be issued an interim B license for one year. At the end of the first year of employment, upon successful completion of the test requirements, local evaluation, other minimum requirements, and the recommendation of the local education agency, the applicant may apply for the appropriate license based on allowable teaching experience.
- (b) — Interim D License for Interns.
1. — The applicant must have been granted a bachelor's degree from a regionally accredited institution of higher education and must be admitted to an approved teacher education program that includes an internship.
2. — The applicant must be recommended for the license by an institution of higher education with an approved teacher education program that includes an internship.
3. — Successful completion of the internship shall count as the first apprentice year of teaching.
4. — The interim D license for Interns may be reissued two times; an intern may teach using the license for the equivalent of no more than one school year.
- (3) — Adjunct licenses are issued to individuals who meet the following requirements and are valid until the following August 31.
- (a) — Adjunct License.

- ~~1. The applicant must hold at least a master's degree or a bachelor's degree with 24 semester hours of credit in the content area in which they will be teaching from a regionally accredited institution of higher education and must have at least five years of work experience in the subject(s) to be taught.~~
- ~~2. The applicant for an adjunct license must have completed the pre-service portion of an adjunct licensure program that addresses the knowledge and skills in the professional education core and that has been approved by the state board of education.~~
- ~~3. A Tennessee director of schools must state intent to employ the applicant for specific subject(s) and course(s) not to exceed three classes and must provide a mentor teacher for the applicant during the first year of teaching.~~
- ~~4. Applicants are eligible for an adjunct license for the specific subject(s) or course(s) indicated on the application in subject areas of critical shortage as designated by the state board of education.~~
- ~~5. School systems shall assess the effectiveness of the teachers annually using the evaluation procedures approved by the state board of education.~~
- ~~6. Applicants may renew an adjunct license annually but not more than nine times provided that a director of schools states intent to employ and provided that the applicant has received a successful evaluation in the preceding year. Before the first renewal, the applicant must have passed all required licensure examinations.~~
- ~~7. The teacher shall not attain licensure beyond the approved subject(s) or course(s) without successfully completing the state's regular or alternative licensure programs.~~

~~(4) Permit.~~

~~(a) The state may issue a permit when a school system meets the following requirements:~~

- ~~1. A director of schools must state intent to employ and indicate the position to be held by the applicant.~~
- ~~2. The school system must indicate that it is unable to obtain the services of a licensed teacher for the type and kind of school in which a vacancy exists.~~
- ~~3. The school system must have posted the position, advertised in appropriate media, and listed the position on a state or national Internet website.~~

~~(b) The state may issue a permit to a school system to hire an applicant one time and only if the applicant holds a bachelor's degree. A bachelor's degree is not required for an applicant in occupational education.~~

~~0520-02-04-.04 Application For The Teacher License~~

~~(1) In State Applicant for Initial License. The applicant shall apply to the Office of Teacher Licensing. An applicant who has completed an approved teacher education program at a Tennessee institution shall make application through the appropriate official of the institution of higher education.~~

- (2) ~~Out-of-State Applicant for License. An applicant from a state other than Tennessee shall make application to the Office of Teacher Licensing. An apprentice license shall be issued to teachers who have no teaching experience. The out-of-state teacher license shall be issued to applicants from other states who have one or more years of acceptable teaching experience and who meet all current requirements for a Tennessee teaching license, or who meet the conditions of a signed reciprocal contract. When the teacher has successfully completed the requisite years of experience in a Tennessee public school and has met other requirements, the teacher shall be issued the appropriate license.~~
- (3) ~~Official transcripts, which bear the school seal and/or signature of the registrar, of all college credits must be submitted with the application. These transcripts and forms upon which licensure is granted become the property of the State of Tennessee. Photocopies are not acceptable.~~
- (4) ~~Upon receipt of the applications, transcripts, and results of any tests required by the State Board of Education, the materials will be evaluated and a license will be sent to the applicant or the materials will be returned with a statement of deficiencies.~~

~~0520-02-04-.05 The PRAXIS Series: Professional Assessments for Beginning Teachers.~~

- (1) ~~Individuals applying for initial teacher licensure in Tennessee shall submit passing scores on a test that measures professional knowledge and is correlated to Tennessee's Professional Education Standards. This requirement does not apply to school counselors, school psychologists, school social workers, or speech/language teachers.~~
- (2) ~~Applicants for licensure in Tennessee shall submit passing scores on the content specialty area test(s) for all endorsements to be listed on the licenses.~~
- (3) ~~Applicants who are deaf or hard of hearing who seek licensure and endorsement in Special Education: Hearing PreK-12 shall take the licensure exam covering Tennessee's Professional Education Standards and shall take the designated licensure content specialty exam(s). However, there shall be no minimum scores required on these examinations for candidates who are deaf or hard of hearing.~~
- (4) ~~An applicant from another state may be exempt from Tennessee's testing requirements if the applicant meets one of the following conditions:
 
  - (a) ~~The applicant holds a valid license from a reciprocal state and provides verification of appropriate experience, or~~
  - (b) ~~The applicant completes a teacher preparation program in a reciprocal state and holds a full license from that state, or~~
  - (c) ~~The applicant has been certified by the National Board for Professional Teaching Standards.~~~~
- (5) ~~The examinations and corresponding required scores are specified in Board Policy 5.105.~~

~~0520-02-04-.06 Reserved~~

~~0520-02-04-.07 Requirements for Endorsements, Grades 7-12, On A Teacher License~~

~~0520-02-04-.08 Reserved~~

~~0520-02-04-.09 Requirements for Endorsements, Grades 7-12, On A Teacher License~~

~~(1) — Teachers who hold a valid Tennessee license with a 7-12 endorsement may add a 7-12 endorsement by obtaining a passing score on all of the required, state-approved teacher licensure specialty exams and submitting application with the passing scores to the State Department of Education.~~

~~(2) through (4) Reserved.~~

~~(5) — Bible.~~

~~(6) and (7) Reserved.~~

~~(8) — Driver Education.~~

~~The applicant shall hold an endorsement in another subject area, grades 7-12 or K-12 and shall complete at least 10 semester hours of driver and traffic safety education including the following areas:~~

~~(a) — Basic driver and traffic safety education~~

~~(b) — Advanced driver and traffic safety education~~

~~(c) — General safety~~

~~(d) — First aid and emergency medical services.~~

~~(9) through (26) Reserved.~~

~~0520-02-04 .10 — Requirements For Endorsements, Grades 9-12, On A Teacher License~~

~~(1) through (13) Reserved.~~

~~(14) — Superintendent.~~

~~(a) — The applicant shall hold a license endorsed principal, supervisor of instruction, or administration/supervision.~~

~~(b) — The applicant shall have at least a master's degree. The applicant shall have a graduate major in educational administration and supervision or a minimum of 20 graduate semester hours in administration, supervision, and related courses. The following courses must be included:~~

~~1. — School organization and administration~~

~~2. — Supervision~~

~~3. — Curriculum development~~

~~4. — School finance~~

~~5. — School plant and transportation~~

~~6. School and community relations.~~

~~(c) The applicant shall have five years acceptable experience which shall include teaching and/or administration.~~

~~(15) Supervisor of Attendance.~~

~~(a) The applicant shall hold a teacher license.~~

~~(b) The applicant shall have 5 years of teaching experience.~~

~~(c) The applicant shall complete 8 semester hours in areas such as:~~

~~1. Counseling and guidance~~

~~2. Community and school relations~~

~~3. Special education~~

~~4. Social case work~~

~~5. State and federal laws relating to school attendance.~~

0520-02-04-11 Reserved

0520-02-04-12 Requirements For The Professional School Service Personnel License.

The professional school service personnel license requires at least a bachelor's degree and is issued to an applicant who has met the requirements for an endorsement as a school counselor, school psychologist, school social worker, school food service supervisor, school speech language pathologist, and school audiologist. The license is valid for ten years and may be renewed in accordance with the same regulations that are specified for renewal of a Tennessee teacher professional license.

(1) School Food Service Supervisor Endorsement

(a) The applicant shall hold a bachelor's degree and the applicant shall be a licensed educator or shall have completed at least 18 semester hours in education, psychology, or sociology.

(b) The applicant shall complete 12 semester hours including course work in each of the following:

1. A field experience of 6 semester hours, or

2. A professional experience supervised by a licensed school food service supervisor of at least 120 clock hours including the following areas: procurement, quantity foods, design and layout, and sanitation and food safety.

(2) School Speech Language Pathologist

Candidates applying for a professional school service personnel license as a school speech language pathologist shall satisfy one of the following criteria:

- ~~(a) Applicants new to the field seeking initial professional school service personnel licensure shall complete a graduate degree in speech language pathology from a state or regionally accredited institution of higher education with a speech language graduate level program approved by the American Speech Language Hearing Association. They must also achieve a passing score on the examination required by the State Board of Education in Rule 0520-02-04-.05. Fully licensed teachers who are serving on employment standard waivers as speech language teachers shall meet these requirements to be licensed as a school speech language pathologist.~~
- ~~(b) Speech language pathologists who hold a valid license issued by Tennessee or an out-of-state licensing Board of Communication Disorders and Sciences or who hold the Certificate of Clinical Competence from the American Speech Language Hearing Association may be issued the professional school service personnel license upon application. There are no additional requirements.~~
- ~~(c) Speech language teachers who have a graduate degree or master's equivalence in speech language pathology and hold a valid Tennessee teacher license with a speech language endorsement may be issued the professional school service personnel license upon application.~~
- ~~(d) Fully licensed bachelor's level speech language teachers employed prior to July 1, 2000 may apply for the professional school services personnel license upon completion of the requirements for the master's equivalence. Candidates must earn at least five (5) graduate level semester hours each year and they must complete all program requirements prior to July 1, 2010.~~
- ~~(e) Speech language pathologists who have a graduate degree in speech language pathology and hold a valid out-of-state educational credential issued before September 1, 2000, may be issued the professional school services personnel license upon application. Applicants with valid credentials issued on or after that date shall pass the examination required by the State Board of Education.~~
- ~~(3) Candidates applying for a professional school service personnel license as a school audiologist shall satisfy one of the following criteria:~~
  - ~~(a) Applicants new to the field seeking initial professional school services personnel licensure shall complete a graduate degree in audiology from a state or regionally accredited institution of higher education with a graduate level program approved by the American Speech Language Hearing Association.~~
  - ~~(b) Audiologists who hold a valid license issued by Tennessee or an out-of-state licensing Board of Communication Disorders and Sciences or who hold the Certificate of Clinical Competence from the American Speech Language Hearing Association may be issued the professional school services personnel license upon application. There are no additional requirements.~~
  - ~~(c) Audiologists who have a graduate degree in audiology and hold a valid out-of-state educational credential issued before September 1, 2000, may be issued the professional school service personnel license upon application. Applicants with valid credentials issued on or after that date shall pass the examination required by the State Board of Education.~~

0520-02-04-.13 Requirements for The Occupational Education License.

~~(1) — Apprentice Occupational Education License~~

~~(a) — Issuance of License~~

~~An apprentice occupational education license may be issued to individuals who meet the following requirements. Qualifications including experience and educational preparation shall be reviewed by the Department of Education staff who shall recommend issuance of the apprentice occupational education license.~~

~~1. — Health Science~~

- ~~(i) — The secondary health science teacher shall have completed one (1) year of successful employment, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.~~
- ~~(ii) — Health science teachers must hold an associate or higher degree in a health-related area and hold current licensure registration or certification in an allied health occupation or current licensure as a registered nurse in Tennessee. Teachers must successfully complete a comprehensive test administered or accepted by the Tennessee Health Related Boards.~~

~~2. — Other Occupational Educator~~

- ~~(i) — Effective September 1, 2002, other occupational educators shall hold and maintain a current industry certification, where available, in the specific endorsement area for which they are licensed. This Industry Certification may be acquired prior to Apprentice license, but must be presented at the time the teacher advances from Apprentice to Professional Occupational License.~~
- ~~(ii) — Endorsements in Other Occupational Education can be obtained through one of five different pathways using work experience, industry certification and postsecondary training. The five possible pathways are:
  - ~~(I) — Credentialed (certificate or diploma) postsecondary training in the endorsed area, or associate degree, or industry certification may substitute for two (2) years of work experience. In addition, applicant must also have at least three (3) years of work experience in the endorsed area in the last eight (8) years for a total of five (5) years; or~~
  - ~~(II) — A combination of an associate degree related to the endorsed area and industry certification may be substituted for four (4) years of work experience. In addition, applicant must have at least one (1) year of work experience in the endorsed area in the last eight years (8) for a total of five (5) years; or~~
  - ~~(III) — A bachelor's degree or higher degree in the endorsed area may be substituted for four (4) years of work experience. In addition, applicant must also have at least one (1) year of work experience in the endorsed area—paid or unpaid in the field of~~~~

~~criminal justice—in the last eight (8) years for a total of five (5) years; or~~

~~(IV) Five (5) years of full-time work experience accrued in the occupational area of endorsement within the last eight (8) years.~~

~~(V) A master's degree or higher in criminal justice may be substituted for the five (5) years of work experience in criminal justice.~~

~~(iii) An other occupational educator shall be a high school graduate or the equivalent, as determined by the General Education Development (GED) test.~~

~~(iv) Cosmetology and barbering teachers must hold current licensure issued by the respective state licensing board to instruct in Tennessee.~~

~~(b) Validity of License.~~

~~The apprentice occupational education license shall be valid for five (5) years; except that when a teacher becomes employed in a Tennessee public school, the license shall be valid until the teacher has been employed three (3) years at the apprentice level.~~

~~(c) Renewal of License.~~

~~1. The holder of the apprentice occupational education license who was not employed for three (3) or more years in a Tennessee public school during the five (5) year period of license validity may be reissued the license.~~

~~2. In order to have the license reissued, the teacher must have obtained or maintained current industry certification in the area of endorsement where available and acceptable as the industry standard.~~

~~3. In order to have the license reissued, the teacher must provide verification of the updating of competency in the occupational area including two (2) years of work experience within the past five (5) years or sixty (60) clock hours of participation in professional/technical workshops or a combination.~~

~~(2) Professional Occupational Education License.~~

~~(a) Issuance of License.~~

~~The teacher may advance to the professional occupational education license provided that he/she has completed the following requirements. Prior to the fourth year of teaching, the teacher shall provide to the Department of Education documentation that the following requirements have been met:~~

~~1. Attendance during the first year of teaching for a total of five (5) days at new teacher training sponsored by Career & Technical Education Division, Department of Education.~~

2. ~~Four (4) days release time to observe three (3) experienced teachers within their endorsed teaching area and one (1) experienced teacher outside of their teaching area.~~
3. ~~Assigned teacher mentor during the first three (3) years of teaching.~~
4. ~~Complete three (3) years of teaching in an approved school.~~
5. ~~Receive a positive recommendation from the local education agency based on evaluation under a model approved by the State Board of Education.~~
6. ~~Complete successfully a teacher education program of eighteen (18) semester hours designed to meet the knowledge and skills for teacher preparation. Candidates must be recommended by an institution of higher education with a preparation program approved according to standards and guidelines established by the State Board of Education. A teacher who meets all the knowledge and skills at the time of employment is exempted from these requirements.~~
7. ~~Current/valid Industry Certification where required by teacher endorsement area.~~

~~(b) Validity of License.~~

~~The professional occupational education license shall be valid for ten (10) years.~~

~~(c) Renewal of License.~~

1. ~~A professional occupational education license issued on a bachelor's degree or less is renewable upon verification of completion of ninety (90) professional renewal points (six (6) semester hours of appropriate coursework may be substituted for ninety (90) renewal points) within the ten (10) year period prior to the date of the renewal of the license. Professional renewal points are defined in the Professional License Renewal Guide.~~
2. ~~A professional occupational education license based on a master's degree or above may be renewed with verification of five (5) years endorsed area teaching experience during the period of license validity. In the absence of five (5) years of endorsed area teaching experience, the license is renewable based on verification of completion of ninety (90) professional renewal points (six (6) semester hours of coursework may be substituted for ninety (90) renewal points) within the ten (10) year period prior to the date of the renewal of the license.~~
3. ~~All teachers that need to earn ninety (90) renewal points and satisfy Career and Technical Education requirements must provide the following documentation:~~
  - ~~(i) Verification of four hundred eighty (480) hours of non-teaching work experience in the occupational area of endorsement, or ninety (90) clock hours of participation in professional/technical workshops (six (6) semester hours of appropriate coursework may be substituted for ninety (90) clock hours of professional/technical workshops).~~
  - ~~(ii) All applicants for cosmetology, barbering, and health science must also submit proof they hold a current state license to practice that profession.~~

- (iii) — Industry Certification for other occupational educators must also be submitted where required by teacher endorsement area.

0520-02-04 .14 Renewal of Teacher Licenses.

(1) — Professional License.

- (a) — A professional license issued on a bachelor's degree is renewable upon verification of completion of ninety (90) renewal points within the ten (10) year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.
- (b) — A professional license issued on a master's degree or above is renewable upon the presentation of evidence of five (5) years' experience within the ten (10) year period prior to the date of renewal of the license. In the absence of five (5) years of experience, the license is renewable upon verification of completion of ninety (90) renewal points within the ten (10) year period prior to the date of the renewal of the license.

(2) — Apprentice License.

- (a) — The holder of an apprentice teacher license who has three (3) years acceptable experience in a Tennessee public school during the period of license validity but who lacks the required positive evaluation to move to the professional teacher license shall be reissued the apprentice teacher license.
- (b) — An apprentice teacher license issued on a bachelor's degree is renewable upon verification of completion of forty five (45) renewal points within the five (5) year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.
- (c) — An apprentice teacher license issued on a master's degree or above is renewable upon the presentation of evidence of three (3) years' experience within the five (5) year period prior to the date of the renewal of the license.

0520-02-04 .15 Renewal of Administrator Licenses.

(1) — Beginning Administrator A and B Licenses.

- (a) — A beginning administrator license is renewable upon application.

(2) — Professional Administrator License.

- (a) A professional administrator license is renewable upon application.

Licensure Educator Preparation  
0520-02-04

0520-02-04-.01 General Information and Regulations.

- (1) All educator preparation providers and the licensure programs they offer must be approved by the State Board of Education. Approval shall be awarded based on policies established by the State Board of Education.

Licensure programs may be offered by Tennessee institutions of higher education, Tennessee local education agencies, education-related organizations, or the Tennessee Department of Education.

- (2) All approved educator preparation providers offered by Tennessee institutions of higher education and education-related organizations must establish and document a collaborative partnership with at least one Tennessee local education agency. Requirements for this partnership are defined in State Board of Education policy.

- (3) Licensure programs, which are conditionally or fully approved by the State Board of Education according to State Board of Education Policy, will be eligible to prepare and recommend candidates for licensure.

- (4) Educator preparation providers must identify the area(s) of endorsement, for which the candidate is recommended when the licensure application is submitted. Eligibility for endorsement areas are defined in State Board of Education policy.

- (5) Educator preparation providers that offer programs for additional endorsements shall submit to the Tennessee Department of Education a list of specialty areas in which additional endorsements are offered. Providers will verify completion of the appropriate course requirements to the Tennessee Department of Education.

- ~~(1) Securing a License or Certificate. The educator shall be responsible for securing a license or certificate, verifying its accuracy, maintaining its validity, registering it with the employing board of education, and meeting the requirements of T.C.A. §49-5-101. Teaching contracts are invalid if a license is allowed to lapse.~~

- ~~(2) Duration of License or Certificate. A license or certificate is valid as of the date of issuance. The duration of a license or certificate is calculated as beginning the September 1 preceding the issuance, except the duration of a license or certificate issued after March 1 will be calculated as beginning the September 1 following the issuance.~~

- ~~(3) Change of Name. If the holder of a license or certificate changes his or her name by legal means, the holder must report such changes to the Office of Teacher Licensing and Certification.~~

- ~~(4) Duplicate License or Certificate. A duplicate license or certificate may be obtained when the original has been lost or destroyed. The applicant must submit a notarized application to the Office of Teacher Licensing and Certification.~~

- ~~(5) Correspondence and Extension Credit. Credit earned by correspondence and extension instruction with a member of the National University Extension Association or the Teacher College Association for Extension and Field Services shall be accepted for licensure purposes to the extent of one fourth of the amount of credit necessary for the particular license desired.~~

- ~~(6) Experience in Lieu of Student Teaching. An applicant for a license based on at least a bachelor's degree may present evidence of 3 years of successful teaching experience in an approved~~

school or an NAEYC-accredited early childhood education program at the grade level of work authorized by the endorsement sought in lieu of student teaching.

~~(7) Military Service~~

- ~~(a) The duration of a license may be extended from the date of termination of military service for the number of years, not to exceed four, which the holder spent in military service during the life of the license. Four calendar months military service during any school year shall be counted as a full year for purposes of extending the license.~~
- ~~(b) The five years preceding the issuance of a teacher license, within which time academic credit must be earned, shall not include the years spent in military service.~~

~~(8) Validation of Credit from an Unapproved Institution.~~

- ~~(a) Credit from an unapproved institution may be accepted for licensure when such credit has been accepted in full on a transcript by an approved institution for advanced standing toward a degree, provided that not less than 8 semester hours of satisfactory work has been completed in the approved institution.~~
- ~~(b) Degree or credit from an institution accredited by a regional accrediting association but not approved for teacher education will be accepted.~~
- ~~(c) An applicant who holds the bachelor's degree from an unapproved institution and has otherwise met all of the requirements for a license may validate the degree and apply for a license as follows:
  - ~~1. Enter an approved graduate school and complete a minimum of one semester in an approved teacher education program.~~
  - ~~2. Secure from said graduate school a properly certified statement to the effect that all deficiencies and/or probations have been met.~~~~

~~(9) Denial, Formal Reprimand, Suspension and Revocation of License.~~

- ~~(a) Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, 39-13-532, and/or 39-13-527 (including conviction on a plea of guilty or nolo contendere). The Board will notify persons whose licenses are subject to automatic revocation at least 30 days prior to the Board meeting at which such revocation shall occur.~~
- ~~(b) The State Board of Education may revoke, suspend, reprimand formally, or refuse to issue or renew a license for the following reasons:
  - ~~1. Conviction of a felony,~~
  - ~~2. Conviction of possession of narcotics,~~
  - ~~3. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing or consuming alcohol or illegal drugs,~~
  - ~~4. Falsification or alteration of a license or documentation required for licensure,~~~~

~~5. Denial, suspension or revocation of a license or certificate in another jurisdiction for reasons which would justify denial, suspension or revocation under this rule, or~~

~~6. Other good cause. Other good cause shall be construed to include noncompliance with security guidelines for TCAP or successor tests pursuant to Tenn. Code Ann. § 49-1-607, default on a student loan pursuant to Tenn. Code Ann. § 49-5-108(d)(2) or failure to report under part (e).~~

~~For purposes of this part (b), "conviction" includes entry of a plea of guilty or nolo contendere or entry of an order granting pre-trial or judicial diversion.~~

~~A person whose license has been denied, suspended or revoked may not serve as a volunteer or be employed, directly or indirectly, as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of the denial, suspension or revocation.~~

~~(c) Restoration of License.~~

~~1. A person whose license has been suspended shall have the license restored after the period of suspension has been completed, and, where applicable, the person has complied with any terms prescribed by the State Board. Suspended licenses are subject to expiration and renewal rules of the Board.~~

~~2. A person whose license has been denied or revoked under parts (a) or (b) may apply to the Board to have the license issued or restored upon application showing that the cause for denial or revocation no longer exists and that the person has complied with any terms imposed in the order of denial or revocation. In the case of a felony conviction, before an application will be considered, the person must also show that any sentence imposed, including any pre-trial diversion or probationary period has been completed. Application for such issuance or restoration shall be made to the Office of Teacher Licensing and shall be voted on at a regularly scheduled meeting of the State Board of Education. Nothing in this section is intended to guarantee restoration of a license.~~

~~(d) Notice of Hearing. Any person whose license is to be denied, formally reprimanded, suspended or revoked under part (b) or who is refused a license or certificate under part (c) shall be entitled to written notice and an opportunity for a hearing to be conducted as a contested case under the Tennessee Uniform Administrative Procedures Act, T.C.A. §4-5-301, et seq.~~

~~(e) Notification of Office of Teacher Licensing. It is the responsibility of the superintendent of the employing public or non-public school or school system to inform the Office of Teacher Licensing of licensed teachers or administrators who have been suspended or dismissed, or who have resigned, following allegations of conduct which, if substantiated, would warrant consideration for license suspension or revocation under parts (a) or (b). The report shall be submitted within thirty (30) days of the suspension, dismissal or resignation. The superintendent shall also report felony convictions of licensed teachers or administrators within 30 days of receiving knowledge of the conviction.~~

~~(10) Licensure for Applicants Trained in Other States.~~

~~(a) Tennessee has adopted the provisions of Interstate Agreement on Qualification of Educational Personnel as proposed by the National Association of State Directors of Teacher Education and Certification (NASDTEC). Participation in this agreement is~~

~~evidenced by signed reciprocal contracts between Tennessee and other individuals participating states as defined by the Interstate Certification Project (ICP).~~

- ~~(b) — Licensure may be awarded to applicants from states which are not parties to the ICP but which are accredited by or affiliated with the National Council for Accreditation of Teacher Education (NCATE) on the same basis as those applying from states which are party to the ICP agreement.~~
- ~~(c) — Licensure may be awarded applicants not covered by (a) or (b) above on the same basis as those applying from states which are party to the ICP agreement if one of the following conditions is met:
  - ~~1. — The applicant has received a recommendation from a teacher education institution which is NCATE approved; or~~
  - ~~2. — The Tennessee Department of Education has reviewed a state's program for approval of teacher education institutions and has found the program to be acceptable for purposes of granting full licensure in Tennessee, or~~
  - ~~3. — The applicant has been certified by the National Board for Professional Teaching Standards.~~~~
- ~~(d) — The application for licensure must be accompanied by a set of official transcripts supplied by all institutions attended by the applicant.~~
- ~~(e) — Licensure will be awarded in all endorsement areas (the areas most similar to those awarded in Tennessee), which are reflected on the full, currently valid teaching credential(s) supplied by the other qualifying state(s) and the area most closely related to the area of certification by the National Board for Professional Teaching Standards.~~
- ~~(f) — Applicants meeting all requirements and having at least one year of acceptable teaching experience in another state will be issued the out-of-state teacher license. Those meeting all requirements but having less than one year of acceptable experience will be issued the apprentice teacher license.~~
- ~~(g) — No endorsement which requires the master's degree or above as part of its requirements may be awarded to an individual not possessing said degree.~~
- ~~(h) — Applicants with an out-of-state endorsement in a teaching area covering a grade span that is more narrow than the comparable Tennessee K-12 teaching endorsement, shall be awarded the Tennessee endorsement provided that at least one of the following conditions has been met:
  - ~~1. — The applicant has at least one year of documented successful teaching experience in the grade span not covered by the out-of-state endorsement in a school approved by the appropriate state governing body and a positive recommendation from the school system; or~~
  - ~~2. — The applicant has six hours of course work in current content in the teaching area in the grade span not covered by the out-of-state endorsement.~~~~

~~(11) Licensure for Exchange Teachers.~~

- ~~(a) — Purpose. The international exchange teacher license is a professional, time-limited license designed to allow eligible teachers from other nations to teach in Tennessee schools for up to three consecutive years. The license is not renewable after the third~~

year. The intent of this license is to provide a three-year cultural-exchange opportunity for Tennessee students and international teachers. If the teacher wishes to remain beyond the third year, the teacher must satisfy all requirements for regular teacher license.

(b) — International Teacher Exchange License

1. — To qualify for the international teacher exchange license, an applicant shall meet the following requirements:
  - (i) — Hold primary citizenship outside the United States;
  - (ii) — Hold the U.S. equivalent of a bachelor's degree or higher;
  - (iii) — Hold a foreign teacher credential in a field comparable to that recognized in Tennessee;
  - (iv) — Demonstrate proficiency in English;
  - (v) — Provide verification from a Tennessee director of schools of intent to employ; and
  - (vi) — Provide a recommendation by the government of a country with whom the Department of Education has signed a memorandum of agreement or by a recognized international exchange program.
2. — Mentoring Requirements. The employing school shall establish a mentoring system providing international exchange teachers with: an orientation to the school; guidance in the basic principles of curriculum, instruction, and classroom management; appropriate resources; and on-going induction support as the teacher adjusts to professional expectations and the school situation.
3. — Local Evaluation. The employing school shall annually evaluate the teacher using a method approved by the state board of education. Continued employment under the license shall be contingent on the teacher's successful evaluation.
  - (a) — Validity Period. The international teacher exchange license is valid for three years and is non-renewable. The validity period begins on the date all application requirements for the license are met or July 1, whichever is more recent, and expires on June 30, three years later. If the applicant is employed between January 1 and June 30, the validity period begins on the first day of the month of employment and expires June 30, three years later.

(12) — Approval of Teacher Education Units and Licensure Programs. All teacher preparation program units and licensure programs must be approved by the State Board of Education. This shall be done according to standards and procedures established by the State Board of Education.

(b) — Teacher preparation programs may be offered by Tennessee institutions of higher education, Tennessee local education agencies or organizations in partnership with Tennessee local education agencies, or the Tennessee Department of Education.

(c) — Teacher preparation programs offered by Tennessee local education agencies or organizations in partnership with Tennessee local education agencies must document extensive recruitment and rigorous selection of candidates based on district needs.

(d) — ~~Teacher preparation programs offered by the Tennessee Department of Education must document extensive recruitment and rigorous selection of candidates based on statewide needs for teachers with strong content knowledge in core academic subjects.~~

(13) — ~~Admission to Teacher Education Programs.~~

(a) — ~~Each institution of higher education offering teacher education programs will develop and submit to the State Department of Education a description of its admissions procedures, taking into account the Teacher Education Policy (January, 1988, as the same may be amended), National Council of Accreditation of Teacher Education (NCATE) standards, and guidelines promulgated by the State Board of Education.~~

(b) — ~~Praxis I, an assessment of academic skills, will be used as a part of the admissions process for entrance into teacher education. — Praxis I offers two testing formats, the Pre-Professional Skills Test (PPST) in a paper and pencil format and the Computer-Based Academic Skills Assessments in a computer delivered format. — Either form is acceptable.~~

1. — ~~Candidates seeking admission to approved teacher education programs in Tennessee colleges and universities shall attain scores as follows on either the Pre-Professional Skills Tests or the Computer-Based Academic Skills Assessments.~~

	Pre-Professional Skills Tests	Computer-Based Academic Skills Assessments
Mathematics	173	318
Reading	174	321
Writing	173	319

2. — ~~Candidates who fail to pass any required subtest(s) of the PPST may retake such subtests as often as such tests are administered. — Candidates retaking any of the subtests must attain cut-off scores in effect at the retesting time.~~

3. — ~~Persons who fail the tests after having taken them twice may appeal. — Each institution of higher education will establish an appeals committee to evaluate the appeal of a person who has failed the tests but appears strong on other admissions criteria established by the institution. — Appeals procedures and criteria will take into account the Teacher Education Policy and NCATE standards.~~

(c) — ~~Admissions procedures will specify the process by which failure to meet standards may be appealed. — Each institution will report to the State Department of Education annually (1) the number of students admitted to teacher education programs, and (2) the number admitted on appeal.~~

(d) — ~~NCATE standards for admission to teacher education programs will apply to all candidates for teacher education, beginning with those seeking admission to teacher education programs in fall 1990.~~

(e) — ~~Candidates seeking admission to approved teacher education programs in Tennessee who have attained a composite score of 21 or above on the American College Testing Program (ACT) or a composite score of 22 or above on the Enhanced ACT Assessment or who have attained a combined verbal and mathematical score of 920 or above on the Scholastic Aptitude Test (SAT) or a combined verbal and mathematical~~

score of 1,020 or above on the recentered Scholastic Achievement Test (SAT) shall be exempt from taking a state-mandated test for admission.

- (f) — Candidates with a baccalaureate degree from a regionally accredited institution seeking admission to approved graduate-level teacher education programs in Tennessee shall be exempt from taking a state-mandated test for admission provided the institution establishes appropriate test requirements.
  - (g) — Institutions of higher education offering approved programs in school administration and supervision will develop and submit to the State Department of Education a description of admissions procedures in accordance with guidelines established by the State Board of Education.
  - (h) — Candidates with a baccalaureate degree from a regionally accredited institution seeking admission to approved teacher preparation programs in Tennessee offered by Tennessee local education agencies or organizations in partnership with Tennessee local education agencies, or by the Tennessee Department of Education, must have attained a cumulative grade-point average of 2.75 on a 4.0 scale, or a 3.00 on a 4.0 scale in the last sixty (60) credit hours.
- (14) — Experimental Programs of Teacher Education. — Institutions of higher education may develop experimental programs leading to teacher licensure. Such programs must be approved by the State Board of Education.
- (15) — Advanced Academic Training Acceptable for Purposes of Salary Rating on the License.
- (a) — Master's Degree Designation.  
An individual who holds a master's degree from a regionally accredited institution shall be granted the master's degree designation for salary purposes if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the degree indicates by the nature of the courses that public education was the primary aim.
  - (b) — Master's Degree Plus 30 Designation.  
An individual who meets the master's degree designation shall be granted the master's degree plus 30 designation for salary purposes upon completion of 30 additional graduate semester hours of credit if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the nature of the courses indicates that public education was the primary aim. Such credit must be earned from an institution that is regionally accredited.
  - (c) — Education Specialist's Degree Designation.
    1. — An individual who holds an education specialist degree from a regionally accredited institution shall be granted the Education Specialist's degree designation for salary purposes.
    2. — An individual who has earned a terminal professional degree (e.g., Doctor of Medicine, Doctor of Jurisprudence, etc.) shall be given credit at the Education Specialist level if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual. The degree must be earned from an institution that is regionally accredited, accredited by the American Bar Association or the Liaison Committee on Medical Education or approved by a branch of state government.

~~(d) — Doctor's Degree Designation.~~

~~An individual who holds a Doctor of Philosophy, Doctor of Education, or Doctor of Arts from a regionally accredited institution shall be granted the doctor's degree designation for salary purposes if the courses taken are functionally related to the area(s) of endorsement on the teaching license held by the individual or if the degree indicates by the nature of the courses that public education was the primary aim.~~

~~(e) — Teachers of occupational education shall receive credit for advanced academic training on the same basis as other teachers.~~

~~(f) — Individuals who seek or hold a license on a professional school service personnel license shall be granted the advanced degree designation for salary purposes if the courses taken are functionally related to the area of endorsement and an institution of higher education with an approved program recommends the individual for licensure.~~

~~(16) — Superseded Regulations. All licensure regulations for initial endorsement that have been superseded by action of the State Board of Education shall be inapplicable no later than six years from the date of Board action.~~

~~(17) — Issuance of licenses or permits to individuals holding advanced degrees. — Individuals who hold advanced degrees that are not acceptable for salary purposes from an institution that is regionally accredited but who lack a bachelor's degree may be issued a license or permit at the bachelor's level.~~

0520-02-04-.02 — Types of Licenses and Certificates.

~~(1) — Credentials Currently Issued.~~

~~(a) — Apprentice License (Teacher, Special Group Teacher). Initial three-year license issued to applicants who have completed a bachelor's degree and an approved program and who have submitted minimum qualifying scores on required teacher licensure examinations. Renewable.~~

~~(b) — Apprentice Occupational Education License. — Initial three-year license issued upon satisfactory completion of issuance requirements. Renewable.~~

~~(c) — Professional License. — A ten-year teaching license issued upon satisfactory performance at the apprentice level and accrual of three years of teaching experience. Renewable.~~

~~(d) — Professional Occupational Education License. — A ten-year teaching license issued upon satisfactory performance at the apprentice level and completion of other issuance requirements including accrual of three years of teaching experience. Renewable.~~

~~(e) — Out-of-State Teacher License. — Initial three-year license issued to applicants with acceptable teaching experience in other states. The applicant must have completed a bachelor's degree and an approved teacher education program or a program under terms of a signed reciprocal contract with another state and must have submitted minimum qualifying scores on the required teacher licensure examinations. Renewable.~~

~~(f) — Non-Public School Teacher License. — A five-year license issued to persons holding an apprentice or out-of-state license who are employed by a non-public school in Tennessee. The original term of the non-public school teacher license has the same expiration date as the teacher's existing apprentice or out-of-state license. Renewable.~~

- (g) ~~JROTC Teacher License. A five-year license issued to active or retired military personnel who seek to serve as junior reserve officers' training corps (JROTC) teachers, based upon a certification of preparation by the branch of the military approving the teacher placement. The JROTC teacher license does not entitle an individual to teach courses other than those designated as part of the JROTC program, consistent with the requirements of TCA 49-5-108. No other teaching endorsements may be added to a JROTC license. JROTC teachers may earn a teaching credential with an endorsement in a content area through a teacher preparation program approved by the state board of education. Renewable.~~
- (h) ~~International Teacher Exchange License. A three-year license issued to teachers participating in an international teacher exchange programs that meet certain criteria. Nonrenewable.~~
- (i) ~~Professional School Service Personnel License. A ten-year license issued upon satisfactory performance at the apprentice level and accrual of three years of teaching experience. Renewable.~~
- (j) ~~Beginning Administrator A License. Initial five-year license issued to applicants based upon a minimum of a master's degree, an approved school administration and supervision program, and submittal of minimum qualifying scores on the state required test/assessment for principals, supervisors of instruction, or other school administrators. Renewable.~~
- (k) ~~Beginning Administrator B License. Initial five-year license issued to applicants based upon a minimum of a master's degree, an approved school administration and supervision program that included an internship, and submittal of minimum qualifying scores on the state required test/assessment for principals, supervisors of instruction, or other school administrators. Renewable.~~
- (l) ~~Professional Administrator License. A ten-year license issued to applicants upon satisfactory performance for a minimum of two years (one year for applicants with approved internship experience) at the beginning administrator level as a principal, supervisor of instruction, or other school administrator position designated by state board of education policy to qualify for evaluation and recommendation for this license. Renewable. Persons having an endorsement in administration/supervision, supervisor of instruction, or principal on August 31, 1994, shall be issued a professional administrator license, regardless of whether such persons are employed as a principal, supervisor of instruction, or other educational position.~~
- (m) ~~Transitional License. A one-year license issued to applicants with a bachelor's degree who have verified knowledge of the teaching content area in accordance with policies of the State Board of Education and have been admitted to or enrolled in an approved transitional licensure program. Renewable two (2) times upon satisfactory progress toward completion of the program, consistent with state board of education policies. Effective no later than school year 2010-11. Individuals may teach on a transitional license for a maximum of three (3) years.~~
- (n) ~~Interim B Teacher License. A one-year license issued to applicants who meet all licensing requirements but lack minimum qualifying scores on required teacher licensure examinations. Renewable one time.~~
- (o) ~~Interim D License for Interns. A one-year license issued to applicants who have a bachelor's degree and who have been admitted to an approved teacher education program that includes an internship. Renewable two times.~~

~~(p) — Adjunct License. — A one-year license issued to applicants who teach no more than three classes in subject areas of critical shortage as designated by the state board of education and who hold a bachelor's degree, have verified knowledge of the teaching content area and have completed a pre-service preparation program approved by the state board of education. Renewable nine times.~~

~~(q) — Emergency Teaching Credential. — A one-year credential, effective for only one school year, to be issued to displaced licensed teachers under one of the following circumstances:~~

~~(1) — The Governor declares a state of emergency or declares a disaster under TCA 58-2-107, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons, or~~

~~(2) — A federal state of emergency is declared anywhere in the United States, and the Commissioner of Education determines the necessity of conferring an emergency credential to displaced persons.~~

#### ~~0520-02-04-.03 The Transitional License, Interim Licenses, And Permits.~~

~~(1) — The Transitional license is issued to individuals who meet the following requirements and are valid until the following August 31. Effective for teaching no later than school year 2009-10. Individuals may teach on a transitional/alternative license (of any kind) for a maximum of three (3) years.~~

~~(a) — Transitional License~~

~~(1) — The applicant must have been granted at least a bachelor's degree from a regionally accredited institution of higher education. The applicant must meet the content requirements for the desired area of endorsement by one (1) of the following: (a) completion of an academic major in the desired area of endorsement, (b) documentation of at least twenty-four (24) semester hours in the teaching content area, or (c) successful completion of the required specialty examination.~~

~~(2) — The applicant must have been admitted to the transitional teacher preparation program consistent with policies adopted by the state board of education. The applicant must have successfully completed the orientation component of the professional education core before the first renewal of the license.~~

~~(3) — A Tennessee director of schools must state intent to employ the applicant and must provide the requisite support of one (1) or more teacher mentors throughout the transitional licensure period.~~

~~(4) — Applicants are eligible to participate in transitional teacher preparation programs in all teaching areas. Applicants may be required to complete requirements addressing the knowledge and skills specified for the endorsement sought in addition to the professional education core.~~

~~(5) — School systems shall assess the effectiveness of the teacher each year using evaluation procedures approved by the state board of education.~~

~~(6) — Each year of successful teaching on a transitional license shall count as one (1) year towards the professional license.~~

- (7) — One (1) year of successful teaching shall substitute for the student teaching requirement if the transitional licensure program is completed following the first year of teaching. If completion of the transitional licensure program requires two (2) or more years, then two (2) years of successful teaching shall substitute for the student teaching requirement.
  - (8) — The transitional license may be reissued two (2) times, as necessary for program completion, provided that the teacher has received a successful evaluation and is making adequate progress in completing the professional development requirements of the transitional teacher preparation program.
- (2) — Interim licenses are issued to individuals who meet the following requirements and are valid until the following August 31.
- (a) — Interim B License.
    - (1) — An interim B license shall be issued if the applicant meets all requirements as determined by the state board of education.
    - (2) — A Tennessee director of schools must state intent to employ the applicant.
    - (3) — An individual may be reissued an interim B license one time provided that a director of schools states intent to employ and a second time if the director verifies that the individual meets the criteria stated in TCA 49-5-5605.
    - (4) — A fully licensed teacher from a state other than Tennessee who did not hold a teaching license in another state prior to July 1, 1984, and who meets all requirements except testing requirements, shall be issued an interim B license for one year. At the end of the first year of employment, upon successful completion of the test requirements, local evaluation, other minimum requirements, and the recommendation of the local education agency, the applicant may apply for the appropriate license based on allowable teaching experience.
  - (b) — Interim D License for Interns.
    - 1. — The applicant must have been granted a bachelor's degree from a regionally accredited institution of higher education and must be admitted to an approved teacher education program that includes an internship.
    - 2. — The applicant must be recommended for the license by an institution of higher education with an approved teacher education program that includes an internship.
    - 3. — Successful completion of the internship shall count as the first apprentice year of teaching.
    - 4. — The interim D license for Interns may be reissued two times; an intern may teach using the license for the equivalent of no more than one school year.
- (3) — Adjunct licenses are issued to individuals who meet the following requirements and are valid until the following August 31.
- (a) — Adjunct License.

1. ~~The applicant must hold at least a master's degree or a bachelor's degree with 24 semester hours of credit in the content area in which they will be teaching from a regionally accredited institution of higher education and must have at least five years of work experience in the subject(s) to be taught.~~
2. ~~The applicant for an adjunct license must have completed the pre-service portion of an adjunct licensure program that addresses the knowledge and skills in the professional education core and that has been approved by the state board of education.~~
3. ~~A Tennessee director of schools must state intent to employ the applicant for specific subject(s) and course(s) not to exceed three classes and must provide a mentor teacher for the applicant during the first year of teaching.~~
4. ~~Applicants are eligible for an adjunct license for the specific subject(s) or course(s) indicated on the application in subject areas of critical shortage as designated by the state board of education.~~
5. ~~School systems shall assess the effectiveness of the teachers annually using the evaluation procedures approved by the state board of education.~~
6. ~~Applicants may renew an adjunct license annually but not more than nine times provided that a director of schools states intent to employ and provided that the applicant has received a successful evaluation in the preceding year. Before the first renewal, the applicant must have passed all required licensure examinations.~~
7. ~~The teacher shall not attain licensure beyond the approved subject(s) or course(s) without successfully completing the state's regular or alternative licensure programs.~~

~~(4) Permit.~~

~~(a) The state may issue a permit when a school system meets the following requirements:~~

1. ~~A director of schools must state intent to employ and indicate the position to be held by the applicant.~~
2. ~~The school system must indicate that it is unable to obtain the services of a licensed teacher for the type and kind of school in which a vacancy exists.~~
3. ~~The school system must have posted the position, advertised in appropriate media; and listed the position on a state or national Internet website.~~

~~(b) The state may issue a permit to a school system to hire an applicant one time and only if the applicant holds a bachelor's degree. A bachelor's degree is not required for an applicant in occupational education.~~

~~0520-02-04-.04 Application For The Teacher License~~

~~(1) In-State Applicant for Initial License. The applicant shall apply to the Office of Teacher Licensing. An applicant who has completed an approved teacher education program at a Tennessee institution shall make application through the appropriate official of the institution of higher education.~~

- (2) ~~Out-of-State Applicant for License. An applicant from a state other than Tennessee shall make application to the Office of Teacher Licensing. An apprentice license shall be issued to teachers who have no teaching experience. The out-of-state teacher license shall be issued to applicants from other states who have one or more years of acceptable teaching experience and who meet all current requirements for a Tennessee teaching license, or who meet the conditions of a signed reciprocal contract. When the teacher has successfully completed the requisite years of experience in a Tennessee public school and has met other requirements, the teacher shall be issued the appropriate license.~~
- (3) ~~Official transcripts, which bear the school seal and/or signature of the registrar, of all college credits must be submitted with the application. These transcripts and forms upon which licensure is granted become the property of the State of Tennessee. Photocopies are not acceptable.~~
- (4) ~~Upon receipt of the applications, transcripts, and results of any tests required by the State Board of Education, the materials will be evaluated and a license will be sent to the applicant or the materials will be returned with a statement of deficiencies.~~

~~0520-02-04-.05 The PRAXIS Series: Professional Assessments for Beginning Teachers.~~

- (1) ~~Individuals applying for initial teacher licensure in Tennessee shall submit passing scores on a test that measures professional knowledge and is correlated to Tennessee's Professional Education Standards. This requirement does not apply to school counselors, school psychologists, school social workers, or speech/language teachers.~~
- (2) ~~Applicants for licensure in Tennessee shall submit passing scores on the content specialty area test(s) for all endorsements to be listed on the licenses.~~
- (3) ~~Applicants who are deaf or hard of hearing who seek licensure and endorsement in Special Education: Hearing PreK-12 shall take the licensure exam covering Tennessee's Professional Education Standards and shall take the designated licensure content specialty exam(s). However, there shall be no minimum scores required on these examinations for candidates who are deaf or hard of hearing.~~
- (4) ~~An applicant from another state may be exempt from Tennessee's testing requirements if the applicant meets one of the following conditions:~~
  - (a) ~~The applicant holds a valid license from a reciprocal state and provides verification of appropriate experience, or~~
  - (b) ~~The applicant completes a teacher preparation program in a reciprocal state and holds a full license from that state, or~~
  - (c) ~~The applicant has been certified by the National Board for Professional Teaching Standards.~~

- (5) ~~The examinations and corresponding required scores are specified in Board Policy 5.105.~~

~~0520-02-04-.06 Reserved~~

~~0520-02-04-.07 Requirements for Endorsements, Grades 7-12, On A Teacher License~~

~~0520-02-04-.08 Reserved~~

~~0520-02-04-.09 Requirements for Endorsements, Grades 7-12, On A Teacher License~~

~~(1) — Teachers who hold a valid Tennessee license with a 7-12 endorsement may add a 7-12 endorsement by obtaining a passing score on all of the required, state-approved teacher licensure specialty exams and submitting application with the passing scores to the State Department of Education.~~

~~(2) through (4) Reserved.~~

~~(5) — Bible.~~

~~(6) and (7) Reserved.~~

~~(8) — Driver Education.~~

~~The applicant shall hold an endorsement in another subject area, grades 7-12 or K-12 and shall complete at least 10 semester hours of driver and traffic safety education including the following areas:~~

~~(a) — Basic driver and traffic safety education~~

~~(b) — Advanced driver and traffic safety education~~

~~(c) — General safety~~

~~(d) — First aid and emergency medical services.~~

~~(9) through (26) Reserved.~~

~~0520-02-04-.10 — Requirements For Endorsements, Grades 9-12, On A Teacher License~~

~~(1) through (13) Reserved.~~

~~(14) — Superintendent.~~

~~(a) — The applicant shall hold a license endorsed principal, supervisor of instruction, or administration/supervision.~~

~~(b) — The applicant shall have at least a master's degree. — The applicant shall have a graduate major in educational administration and supervision or a minimum of 20 graduate semester hours in administration, supervision, and related courses. — The following courses must be included:~~

~~1. — School organization and administration~~

~~2. — Supervision~~

~~3. — Curriculum development~~

~~4. — School finance~~

~~5. — School plant and transportation~~

~~6.— School and community relations.~~

~~(c) — The applicant shall have five years acceptable experience which shall include teaching and/or administration.~~

~~(15) — Supervisor of Attendance.~~

~~(a) — The applicant shall hold a teacher license.~~

~~(b) — The applicant shall have 5 years of teaching experience.~~

~~(c) — The applicant shall complete 8 semester hours in areas such as:~~

~~1. — Counseling and guidance~~

~~2. — Community and school relations~~

~~3. — Special education~~

~~4. — Social case work~~

~~5. — State and federal laws relating to school attendance.~~

~~0520-02-04-.11 Reserved~~

~~0520-02-04-.12 Requirements For The Professional School Service Personnel License.~~

~~The professional school service personnel license requires at least a bachelor's degree and is issued to an applicant who has met the requirements for an endorsement as a school counselor, school psychologist, school social worker, school food service supervisor, school speech language pathologist, and school audiologist. The license is valid for ten years and may be renewed in accordance with the same regulations that are specified for renewal of a Tennessee teacher professional license.~~

~~(1) — School Food Service Supervisor Endorsement~~

~~(a) — The applicant shall hold a bachelor's degree and the applicant shall be a licensed educator or shall have completed at least 18 semester hours in education, psychology, or sociology.~~

~~(b) — The applicant shall complete 12 semester hours including course work in each of the following:~~

~~1. — A field experience of 6 semester hours, or~~

~~2. — A professional experience supervised by a licensed school food service supervisor of at least 120 clock hours including the following areas: procurement, quantity foods, design and layout, and sanitation and food safety.~~

~~(2) — School Speech Language Pathologist~~

~~Candidates applying for a professional school service personnel license as a school speech language pathologist shall satisfy one of the following criteria:~~

- ~~(a) Applicants new to the field seeking initial professional school service personnel licensure shall complete a graduate degree in speech-language pathology from a state or regionally accredited institution of higher education with a speech-language graduate level program approved by the American Speech-Language-Hearing Association. They must also achieve a passing score on the examination required by the State Board of Education in Rule 0520-02-04-.05. Fully licensed teachers who are serving on employment standard waivers as speech-language teachers shall meet these requirements to be licensed as a school speech-language pathologist.~~
- ~~(b) Speech-language pathologists who hold a valid license issued by Tennessee or an out-of-state licensing Board of Communication Disorders and Sciences or who hold the Certificate of Clinical Competence from the American Speech-Language-Hearing Association may be issued the professional school service personnel license upon application. There are no additional requirements.~~
- ~~(c) Speech-language teachers who have a graduate degree or master's equivalence in speech-language pathology and hold a valid Tennessee teacher license with a speech-language endorsement may be issued the professional school service personnel license upon application.~~
- ~~(d) Fully licensed bachelor's level speech-language teachers employed prior to July 1, 2000 may apply for the professional school services personnel license upon completion of the requirements for the master's equivalence. Candidates must earn at least five (5) graduate level semester hours each year and they must complete all program requirements prior to July 1, 2010.~~
- ~~(e) Speech-language pathologists who have a graduate degree in speech-language pathology and hold a valid out-of-state educational credential issued before September 1, 2000, may be issued the professional school services personnel license upon application. Applicants with valid credentials issued on or after that date shall pass the examination required by the State Board of Education.~~
- ~~(3) Candidates applying for a professional school service personnel license as a school audiologist shall satisfy one of the following criteria:~~
  - ~~(a) Applicants new to the field seeking initial professional school services personnel licensure shall complete a graduate degree in audiology from a state or regionally accredited institution of higher education with a graduate level program approved by the American Speech-Language-Hearing Association.~~
  - ~~(b) Audiologists who hold a valid license issued by Tennessee or an out-of-state licensing Board of Communication Disorders and Sciences or who hold the Certificate of Clinical Competence from the American Speech-Language-Hearing Association may be issued the professional school services personnel license upon application. There are no additional requirements.~~
  - ~~(c) Audiologists who have a graduate degree in audiology and hold a valid out-of-state educational credential issued before September 1, 2000, may be issued the professional school service personnel license upon application. Applicants with valid credentials issued on or after that date shall pass the examination required by the State Board of Education.~~

0520-02-04-.13 Requirements for The Occupational Education License.

~~(1) — Apprentice Occupational Education License~~

~~(a) — Issuance of License~~

~~An apprentice occupational education license may be issued to individuals who meet the following requirements. Qualifications including experience and educational preparation shall be reviewed by the Department of Education staff who shall recommend issuance of the apprentice occupational education license.~~

~~1. — Health Science~~

~~(i) — The secondary health science teacher shall have completed one (1) year of successful employment, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.~~

~~(ii) — Health science teachers must hold an associate or higher degree in a health-related area and hold current licensure registration or certification in an allied health occupation or current licensure as a registered nurse in Tennessee. Teachers must successfully complete a comprehensive test administered or accepted by the Tennessee Health Related Boards.~~

~~2. — Other Occupational Educator~~

~~(i) — Effective September 1, 2002, other occupational educators shall hold and maintain a current industry certification, where available, in the specific endorsement area for which they are licensed. This Industry Certification may be acquired prior to Apprentice license, but must be presented at the time the teacher advances from Apprentice to Professional Occupational License.~~

~~(ii) — Endorsements in Other Occupational Education can be obtained through one of five different pathways using work experience, industry certification and postsecondary training. The five possible pathways are:~~

~~(I) — Credentialed (certificate or diploma) postsecondary training in the endorsed area, or associate degree, or industry certification may substitute for two (2) years of work experience. In addition, applicant must also have at least three (3) years of work experience in the endorsed area in the last eight (8) years for a total of five (5) years; or~~

~~(II) — A combination of an associate degree related to the endorsed area and industry certification may be substituted for four (4) years of work experience. In addition, applicant must have at least one (1) year of work experience in the endorsed area in the last eight years (8) for a total of five (5) years; or~~

~~(III) — A bachelor's degree or higher degree in the endorsed area may be substituted for four (4) years of work experience. In addition, applicant must also have at least one (1) year of work experience in the endorsed area — paid or unpaid in the field of~~

criminal justice—in the last eight (8) years for a total of five (5) years; or

~~(IV) Five (5) years of full-time work experience accrued in the occupational area of endorsement within the last eight (8) years.~~

~~(V) A master's degree or higher in criminal justice may be substituted for the five (5) years of work experience in criminal justice.~~

~~(iii) An other occupational educator shall be a high school graduate or the equivalent, as determined by the General Education Development (GED) test.~~

~~(iv) Cosmetology and barbering teachers must hold current licensure issued by the respective state licensing board to instruct in Tennessee.~~

~~(b) Validity of License.~~

~~The apprentice occupational education license shall be valid for five (5) years; except that when a teacher becomes employed in a Tennessee public school, the license shall be valid until the teacher has been employed three (3) years at the apprentice level.~~

~~(c) Renewal of License.~~

~~1. The holder of the apprentice occupational education license who was not employed for three (3) or more years in a Tennessee public school during the five (5) year period of license validity may be reissued the license.~~

~~2. In order to have the license reissued, the teacher must have obtained or maintained current industry certification in the area of endorsement where available and acceptable as the industry standard.~~

~~3. In order to have the license reissued, the teacher must provide verification of the updating of competency in the occupational area including two (2) years of work experience within the past five (5) years or sixty (60) clock hours of participation in professional/technical workshops or a combination.~~

~~(2) Professional Occupational Education License.~~

~~(a) Issuance of License.~~

~~The teacher may advance to the professional occupational education license provided that he/she has completed the following requirements. Prior to the fourth year of teaching, the teacher shall provide to the Department of Education documentation that the following requirements have been met:~~

~~1. Attendance during the first year of teaching for a total of five (5) days at new teacher training sponsored by Career & Technical Education Division, Department of Education.~~

- ~~2. Four (4) days release time to observe three (3) experienced teachers within their endorsed teaching area and one (1) experienced teacher outside of their teaching area.~~
- ~~3. Assigned teacher mentor during the first three (3) years of teaching.~~
- ~~4. Complete three (3) years of teaching in an approved school.~~
- ~~5. Receive a positive recommendation from the local education agency based on evaluation under a model approved by the State Board of Education.~~
- ~~6. Complete successfully a teacher education program of eighteen (18) semester hours designed to meet the knowledge and skills for teacher preparation. Candidates must be recommended by an institution of higher education with a preparation program approved according to standards and guidelines established by the State Board of Education. A teacher who meets all the knowledge and skills at the time of employment is exempted from these requirements.~~
- ~~7. Current/valid Industry Certification where required by teacher endorsement area.~~

~~(b) Validity of License.~~

~~The professional occupational education license shall be valid for ten (10) years.~~

~~(c) Renewal of License.~~

- ~~1. A professional occupational education license issued on a bachelor's degree or less is renewable upon verification of completion of ninety (90) professional renewal points (six (6) semester hours of appropriate coursework may be substituted for ninety (90) renewal points) within the ten (10) year period prior to the date of the renewal of the license. Professional renewal points are defined in the Professional License Renewal Guide.~~
- ~~2. A professional occupational education license based on a master's degree or above may be renewed with verification of five (5) years endorsed area teaching experience during the period of license validity. In the absence of five (5) years of endorsed area teaching experience, the license is renewable based on verification of completion of ninety (90) professional renewal points (six (6) semester hours of coursework may be substituted for ninety (90) renewal points) within the ten (10) year period prior to the date of the renewal of the license.~~
- ~~3. All teachers that need to earn ninety (90) renewal points and satisfy Career and Technical Education requirements must provide the following documentation:
  - ~~(i) Verification of four hundred eighty (480) hours of non-teaching work experience in the occupational area of endorsement, or ninety (90) clock hours of participation in professional/technical workshops (six (6) semester hours of appropriate coursework may be substituted for ninety (90) clock hours of professional/technical workshops).~~
  - ~~(ii) All applicants for cosmetology, barbering, and health science must also submit proof they hold a current state license to practice that profession.~~~~

~~(iii) — Industry Certification for other occupational educators must also be submitted where required by teacher endorsement area.~~

~~0520-02-04-.14 Renewal of Teacher Licenses.~~

~~(1) — Professional License.~~

- ~~(a) — A professional license issued on a bachelor's degree is renewable upon verification of completion of ninety (90) renewal points within the ten (10) year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.~~
- ~~(b) — A professional license issued on a master's degree or above is renewable upon the presentation of evidence of five (5) years' experience within the ten (10) year period prior to the date of renewal of the license. In the absence of five (5) years of experience, the license is renewable upon verification of completion of ninety (90) renewal points within the ten (10) year period prior to the date of the renewal of the license.~~

~~(2) — Apprentice License.~~

- ~~(a) — The holder of an apprentice teacher license who has three (3) years acceptable experience in a Tennessee public school during the period of license validity but who lacks the required positive evaluation to move to the professional teacher license shall be reissued the apprentice teacher license.~~
- ~~(b) — An apprentice teacher license issued on a bachelor's degree is renewable upon verification of completion of forty-five (45) renewal points within the five (5) year period prior to the date of the renewal of the license. Renewal points are defined in the License Renewal Guide.~~
- ~~(c) — An apprentice teacher license issued on a master's degree or above is renewable upon the presentation of evidence of three (3) years' experience within the five (5) year period prior to the date of the renewal of the license.~~

~~0520-02-04-.15 Renewal of Administrator Licenses.~~

~~(1) — Beginning Administrator A and B Licenses.~~

- ~~(a) — A beginning administrator license is renewable upon application.~~

~~(2) — Professional Administrator License.~~

- ~~(a) A professional administrator license is renewable upon application.~~

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers		X			
Edwards	X				
Chancey		X			
Pearre	X				
Roberts	X				
Rogers		X			
Rolston	X				
Sloyan	X				
Wright					
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 08/16/2013, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 1/26/15

Signature: [Handwritten Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

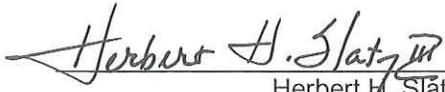


Subscribed and sworn to before me on: 1/26/15

Notary Public Signature: [Handwritten Signature: Phyllis E. Childress]

MY COMMISSION EXPIRES January 9, 2016  
My commission expires on: \_\_\_\_\_

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

  
Herbert H. Slatery III  
Attorney General and Reporter  
February 10, 2015  
Date

Department of State Use Only

Filed with the Department of State on: 05-29-15

Effective on: 08-27-15

  
Tre Hargett  
Secretary of State

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## G.O.C. STAFF RULE ABSTRACT

<u>BOARD:</u>	State Board of Education
<u>SUBJECT:</u>	Licensure Revocation
<u>STATUTORY AUTHORITY:</u>	Tennessee Code Annotated, Sections 49-1-302, 49-5-108
<u>EFFECTIVE DATES:</u>	August 27, 2015 through June 30, 2016
<u>FISCAL IMPACT:</u>	None
<u>STAFF RULE ABSTRACT:</u>	<p>Effective April 29, 2014, Chapter No. 844 of the Public Acts of 2014 amended Tenn. Code Ann. § 49-5-413(d)(3) regarding the investigation of applicants for teaching or child care positions. Subdivision (d)(3) enumerates offenses that preclude convicted individuals from coming in direct contact with school children and children in child care programs, or entering the grounds of a school or child care center when children are present. The subdivision also specifies that “conviction” includes convictions for the same or similar offense in any jurisdiction and convictions for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to any of the enumerated offenses.</p> <p>This Rule adds the enumerated offenses to the list of those offenses for which, if convicted, the State Board of Education will be entitled to automatically revoke a license without a hearing. The Rule also amends the types of convictions that will result in an automatic revocation to reflect the statutory update.</p>

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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**For Department of State Use Only**

Sequence Number: 05-27-15  
Rule ID(s): 5957  
File Date: 5-29-15  
Effective Date: 8-27-15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-02-04	Licensure
Rule Number	Rule Title
0520-02-04-.01	General Information and Regulations

Chapter Number	Chapter Title
Rule Number	Rule Title

**0520-02-04-.01 GENERAL INFORMATION AND REGULATIONS**

- (a) Automatic Revocation of License. The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 39-13-532, and/or 39-13-527 (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses). The Board will notify persons whose licenses are subject to automatic revocation at least thirty (30) days prior to the Board meeting at which such revocation shall occur.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt				X	
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/30/2015, 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: 4/30/15

Signature: [Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 4/30/15

Notary Public Signature: [Signature]

My commission expires on: \_\_\_\_\_

MY COMMISSION EXPIRES: January 9, 2016

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.

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

5/15/2015  
Date

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Filed with the Department of State on: 5-29-15

Effective on: 8-27-15

[Signature]  
Tre Hargett  
Secretary of State

## G.O.C. STAFF RULE ABSTRACT

<u>BOARD:</u>	State Board of Education
<u>SUBJECT:</u>	Automatic Revocation of Educator Licenses
<u>STATUTORY AUTHORITY:</u>	Tennessee Code Annotated, Sections 49-1-302, 49-5-108
<u>EFFECTIVE DATES:</u>	August 27, 2015 through June 30, 2016
<u>FISCAL IMPACT:</u>	None
<u>STAFF RULE ABSTRACT:</u>	<p>Effective April 29, 2014, Chapter No. 844 of the Public Acts of 2014 amended Tenn. Code Ann. § 49-5-413(d)(3) regarding the investigation of applicants for teaching or child care positions. Subdivision (d)(3) enumerates offenses that preclude convicted individuals from coming in direct contact with school children and children in child care programs, or entering the grounds of a school or child care center when children are present. The subdivision also specifies that “conviction” includes convictions for the same or similar offense in any jurisdiction and convictions for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to any of the enumerated offenses.</p> <p>This Rule adds the enumerated offenses to the list of those offenses for which, if convicted, the State Board of Education will be entitled to automatically revoke a license without a hearing. The Rule also amends the types of convictions that will result in an automatic revocation to reflect the statutory update.</p>

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule will have no impact on local governments.

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Sequence Number: 05-28-15  
Rule ID(s): 5958  
File Date: 05-29-15  
Effective Date: 08-27-15

## 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 twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	1 <sup>st</sup> Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-02-03	Educator Licensure
Rule Number	Rule Title
0520-02-03-.09	Denial, Formal Reprimand, Suspension and Revocation

Chapter Number	Chapter Title
Rule Number	Rule Title

## 0520-02-03-.09 DENIAL, FORMAL REPRIMAND, SUSPENSION AND REVOCATION

### (1) Automatic Revocation of License.

The State Board of Education shall automatically revoke the license of a licensed teacher or administrator without the right to a hearing upon receiving verification of the identity of the teacher or administrator together with a certified copy of a criminal record showing that the teacher or school administrator has been convicted of any felony or offense listed at T.C.A. §§ 40-35-501(i)(2), ~~or T.C.A. §§ 39-17-417, a sexual offense or a violent sexual offense as defined in 40-39-202, any offense in title 39, chapter 13, 39-14-301 and 39-14-302, 39-14-401 and 39-14-404, 39-15-401 and 39-15-402, 39-17-1320, or any other offense in title 39, chapter 17, part 13 39-13-532, and/or 39-15-527~~ (including conviction on a plea of guilty or nolo contendere, conviction for the same or similar offense in any jurisdiction, or conviction for the solicitation of, attempt to commit, conspiracy, or acting as an accessory to such offenses). The Board will notify persons whose licenses are subject to automatic revocation at least thirty (30) days prior to the Board meeting at which such revocation shall occur.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt				X	
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 01/30/2015, 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: 4/30/15

Signature: [Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 4/30/15

Notary Public Signature: [Signature]

My commission expires on: \_\_\_\_\_

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

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

5/14/2015  
Date

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[Signature]  
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Secretary of State