

**Department of State  
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Sequence Number: 02-02-20  
Rule ID(s): 9302  
File Date: 2/3/20  
Effective Date: 6/3/20

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

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

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

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

- Amendment  
 New  
 Repeal

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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

Chapter Number	Chapter Title
0520-08-01	Statement of Policy
Rule Number	Rule Title
0520-08-01-.01	General
0520-08-01-.02	Education
0520-08-01-.03	Sponsorship
0520-08-01-.04	Religion
0520-08-01-.05	Politics
0520-08-01-.06	Fund Raising
0520-08-01-.07	Relations with Commercial Stations

Chapter 0520-08-01 of the Rules of the Tennessee State Board of Education is repealed in its entirety.

**Authority:** *Pub. Ch. 248 of 2019.*

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

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on 11/15/2019 (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: 1/3/20

Signature: Angie Sanders

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Subscribed and sworn to before me on: 1-3-20

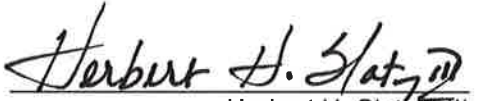
Notary Public Signature: C. Griffin

My commission expires on: 3-8-21

Agency/Board/Commission: TN State Board of Education

Rule Chapter Number(s): 0520-08-01

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  
1/28/2020  
Date

**Department of State Use Only**

Filed with the Department of State on: 2/3/20

Effective on: 6/3/20

  
Tre Hargett  
Secretary of State

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## **Regulatory Flexibility Addendum**

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

This rule does not affect small business.

### **Impact on Local Governments**

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

This rule does not have any financial impact on local governments.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Public Chapter 248 of 2019 repealed T.C.A. §§ 49-50-301 through 307 which required the State Board of Education to "locate, establish, construct, and operate an education television and radio network." The State Board is not in the business of operating such networks, and the rules were originally promulgated in 1974 with no updates since 1984.

Therefore, the State Board of Education proposes to repeal Educational Television Rule 0520-08-01 consistent with the revisions to statute.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 248 of 2019 repealed T.C.A. §§ 49-50-301 through 307 which required the State Board of Education to "locate, establish, construct, and operate an education television and radio network."

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

State Board of Education is most directly affected by these rules and urges repeal of this rule.

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

N/A

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rule has no financial impact.

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

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Nathan James  
[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

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

Angie Sanders  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

Nathan James

[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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

N/A



**RULES  
OF  
TENNESSEE DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION – EDUCATIONAL TELEVISION**

**CHAPTER 0520-08-01  
STATEMENT OF POLICY**

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**0520-08-01-.01 GENERAL.**

- (1) ~~The license to broadcast on state owned educational television stations will be held by the Tennessee State Board of Education hereinafter designated as "The State Board."~~
- (2) ~~- (a) All state owned educational television stations will operate under the rules and regulations of the Federal Communications Commission as provided in the Communications Act of 1934, as amended, and under state regulations which apply.
  - (b) FCC regulations as provided in The Federal Communications Act of 1934, as amended, require identification of any organization or person furnishing a program. They prohibit broadcast of information concerning a lottery, and broadcasts containing libel, slander, profanity, and obscenity.~~
- (3) ~~- (a) The State Board, serving the entire state's educational needs, will be responsible for all programs broadcast on state owned educational television stations and will make all programming policies.
  - (b) Program policy will be subject to periodic review by The State Board as these needs and other conditions warrant.~~
- (4) ~~Program policy as established in this statement will be carried out in terms of broadcast programs by the State Commissioner of Education, and final programming decisions will be left to him within the boundaries established here.~~

~~*Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.*~~

**0520-08-01-.02 EDUCATION.**

- (1) ~~A portion of the programs will be specifically planned and produced by the various state owned educational television stations to meet the educational needs of the elementary and secondary schools of the State and community.~~
- (2) ~~Another portion of the stations programs, planned and produced to meet the educational needs of the elementary and secondary schools of the State, will be supplied by other educational television stations operating in Tennessee.~~

(3)

(Rule 0520-08-01-.02, continued)

- ~~(a) Programs will be developed with educational and cultural organizations and individuals to meet the educational needs which are present in the community. Criteria will be the extent and scope of the need and the degree to which any organization or individual can provide quality programming.~~
- ~~(b) Programs which seek to promote only the interest of the organization providing the program, or which deals with organizational matters for its members will not satisfy these criteria.~~
- ~~(4) Program balance, as between types and sources, will be determined by the State Commissioner of Education or his designated representative, working within the patterns established by this statement of policy, and by periodic consultation with The State Board.~~
  - ~~(a) Audience needs will be met in terms of the seriousness of those needs and the ability of the station to provide programs. These will depend on station staff size, budget, availability of programs from other Tennessee educational stations, and amount of broadcast time available.~~
  - ~~(b) The ability of any program source to adequately meet audience needs will be considered.~~
  - ~~(c) As good a program balance as possible, among in-school direct teaching, adult direct teaching, and general adult education, will be maintained.~~
- ~~(5) The following are minimum conditions which may be amplified as administrative and other needs require.~~
  - ~~(a) A station must participate in Instructional Television to receive state funds as part of any fund distribution formula.~~
  - ~~(b) In order to support state goals of education whenever use of Instructional Television is appropriate, there should be coordination among stations to the greatest extent possible.~~
  - ~~(c) Each station will specify an Instructional Television budget to the State Department of Education.~~
  - ~~(d) In addition to providing a minimum of 32 weeks of in-school and in-service programming, stations will cooperate in research and experimentation and may also be required to each produce no more than two instructional series and three single programs of a general education nature at the request of the Department of Education.~~
  - ~~(e) Each station will have at least one field representative and/or ITV Director.~~
  - ~~(f) Stations will cooperate with the State Department of Education in its supportive and administrative role in Instructional and Educational Television.~~

*Authority: T.C.A. § 49-3802 and Chapter 514, Public Acts of 1984 § 6. Administrative History: Original rule certified June 10, 1974. Amendment filed August 20, 1984; effective November 13, 1984.*

**0520-08-01-.03—SPONSORSHIP.**

- ~~(1) State owned station programs may not, by FCC rules, "promote the sale of a product." No program may be presented which runs counter to this regulation.~~

(Rule 0520-08-01-.03, continued)

- (2) ~~This regulation does not, however, prevent a company, concern or corporation from providing funds which will aid in the presentation of a special program or series of such programs. Acknowledgement of this assistance must be made public during the program.~~

~~Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.~~

**0520-08-01-.04 RELIGION.**

- (1) ~~Religious services, as such, will not be presented.~~
- (2) ~~Programs having to do with moral and spiritual values will be welcome, providing the above-mentioned rules are observed.~~

~~Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.~~

**0520-08-01-.05 — POLITICS.**

- (1) ~~Campaign speeches by or for candidates for political office will not be broadcast.~~
- (2) ~~The situation may present documentary type programs which depict city, county, state, and federal governments in action.~~
- (3) ~~The Tennessee State Board of Education, in compliance with the Federal Election Campaign Act of 1974 and with the Rules and Regulations of the Federal Communications Commission will make provision, through its Chairman, that any legally qualified candidates for federal elective office may have, on behalf of his candidacy, reasonable access to broadcast stations licensed to said Board; provided that the said candidate requests station time in writing at least ten (10) days prior to the election in which he is a candidate, thus allowing the Board time to meet the qual time provision of FCC Rules and Regulations.~~

~~Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.~~

**0520-08-01-.06 FUND RAISING.**

~~Broadcast time of state owned educational television stations shall not be used for fund raising.~~

~~Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.~~

**0520-08-01-.07 RELATIONS WITH COMMERCIAL STATIONS.**

- (1) ~~It will be the policy of all state owned educational television stations not to compete with local commercial television stations or to duplicate their services, but rather to cooperate with these stations in every way possible.~~
- (2) ~~State owned educational television stations may make available to commercial television stations, in their community, programs which such a station might wish to re-broadcast. Extra cost entailed in providing the programs will be borne by the station requesting them.~~

~~Authority: T.C.A. § 49-3802. Administrative History: Original rule certified June 10, 1974.~~

Authority: Pub. Ch. 248 of 2019.

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