

**Department of State  
Division of Publications**

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Sequence Number: 05-27-23  
Rule ID(s): 9878  
File Date: 5/17/2023  
Effective Date: 8/15/2023

## Rulemaking Hearing Rule(s) Filing Form

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

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

|                                 |  |
|---------------------------------|--|
| <b>Agency/Board/Commission:</b> | State Board of Education                           |
| <b>Division:</b>                | N/A  |
| <b>Contact Person:</b>          | Angie Sanders                                      |
| <b>Address:</b>                 | 500 James Robertson Parkway, 8 <sup>th</sup> Floor |
| <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  
☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ Content is identical to the emergency rule

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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

| Chapter Number | Chapter Title                      |
|----------------|------------------------------------|
| 0520-01-13     | School and Student Health Services |
| Rule Number    | Rule Title                         |
| 0520-01-13-.01 | School Health Policies             |

## AMENDMENT

**AMEND** the rules of the State Board of Education Chapter 0520-01-13 School and Student Health Services, by amending Rule 0520-01-13-.01 School Health Policies, so that the revised rule shall read:

### RULES OF THE STATE BOARD OF EDUCATION CHAPTER 0520-01-13 SCHOOL AND STUDENT HEALTH SERVICES

#### **0520-01-13-.01 SCHOOL HEALTH POLICIES.**

- (1) Each local board of education shall develop and adopt standards and policies for school health services. The school health services program shall include, at a minimum, the following:
  - (a) A policy providing for a physical examination of every child entering school for the first time and every student participating in interscholastic athletics, performed by a doctor of medicine, osteopathic physician, physician assistant, certified nurse practitioner, or a properly trained public health nurse.
  - (b) Procedures for verifying proof of immunization for all students, except those who are exempt by statute as provided in T.C.A. § 49-6-5001.
  - (c) A policy for excluding students with communicable diseases and for readmitting them following recovery in accordance with the Department of Health's Communicable and Environmental Diseases Rule 1200-14-01.
  - (d) A Drug Free Schools Policy that addresses drug and alcohol related medical emergencies, guidelines for reporting drug and alcohol related incidents and referral of students.
    1. Local boards of education may implement a drug testing program, however before a drug testing program is implemented the local board of education shall establish policies procedures and guidelines on drug testing. Local boards of education may adopt the State Board's Model Drug Testing Policy 4.201.
  - (e) Procedures for reporting suspected cases of child abuse and neglect as required by T.C.A. § 37-1-403.
- (2) Each LEA shall adopt a coordinated school health policy in accordance with the State Board's Coordinated School Health Program Policy 4.204.

**Authority:** T.C.A. §§ 49-1-302, and 49-6-5001. **Administrative History:** Original rules filed May 3, 2018; effective August 1, 2018. Repeal and new rule filed January 7, 2021; effective April 7, 2021. Emergency rule filed July 9, 2021; effective through January 5, 2022. Emergency rule expired effective January 6, 2022, and the rule reverted to its previous status. Amendments filed November 22, 2021; effective February 20, 2022.

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

| Board Member   | Aye | No | Abstain | Absent | Signature<br>(if required) |
|--|-----|----|---------|--------|----------------------------|
| Nick Darnell   | x   |    |         |        |                            |
| Jordan Mollenhour  | x   |    |         |        |                            |
| Bob Eby  | x   |    |         |        |                            |
| Ryan Holt  | x   |    |         |        |                            |
| Warren Wells   | x   |    |         |        |                            |
| Lillian Hartgrove  | x   |    |         |        |                            |
| Nate Morrow  | x   |    |         |        |                            |
| Darrell Cobbins  | x   |    |         |        |                            |
| Larry Jensen   |     |    |         | x      |                            |
| Victoria Harpool,<br>designee,<br>Executive Director,<br>Tennessee Higher<br>Education<br>Commission.<br><b>Ex-Officio, Non-<br/>Voting<br/>Member</b> |     |    |         |        |                            |

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the State Board of Education on 3/23/2023, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 12/08/2022

Rulemaking Hearing(s) Conducted on: (add more dates). 1/30/2023

Date: 5/8/2023

Signature: 


Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-01-13-.01

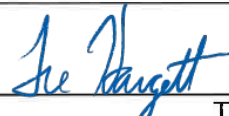
All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Jonathan Skrmetti  
Attorney General and Reporter  
May 16, 2023  
Date

**Department of State Use Only**

Filed with the Department of State on: 5/17/2023

Effective on: 8/15/2023

  
\_\_\_\_\_  
Tre Hargett  
Secretary of State

**RECEIVED**

May 17 2023, 3:15 pm

Secretary of State  
Division of Publications

### **Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-01-13-.01 on January 30, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing.

**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, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

This rule has no fiscal impact on local governments beyond the authorizing legislation.



## 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;

In the 2022 legislative session, Governor Lee and the Tennessee General Assembly passed the Tennessee Investment in Student Achievement (TISA) Act which will transition the state to a student-based funding approach starting in the 2023-24 school year. Due to the passage of TISA, revisions were necessary to School and Student Health Services rule section 0520-01-13-.01 to align language with TISA.

Revisions were also made to remove language authorizing LEAs and public charter schools to adopt a remote instruction policy for students temporarily quarantined due to COVID-19, as this language was only applicable to the 2021-22 school year.

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

The Tennessee Investment in Student Achievement (TISA) Act, Chapter 966 of the Public Acts of 2022

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

The State Board of Education and Department of Education are both directly affected by this rule and urge adoption. In addition, these rules also have a direct effect on local education agencies public school students. The State Board did not receive any public comments from these parties urging adoption or rejection of these rules.

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

None.

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

None.

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

Angie Sanders (State Board of Education)

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

Nathan James (State Board of Education)

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

Robin Yeh (Department of Education)

[Robin.Yeh@tn.gov](mailto:Robin.Yeh@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 (State Board of Education)



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

Nathan James (State Board of Education)

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

Robin Yeh (Department of Education)

[Robin.Yeh@tn.gov](mailto:Robin.Yeh@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.

None.

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-13  
SCHOOL AND STUDENT HEALTH SERVICES**

**0520-01-13-.01 SCHOOL HEALTH POLICIES.**

- (1) Each local board of education shall develop and adopt standards and policies for school health services. The school health services program shall include, at a minimum, the following:

- (a) A policy providing for a physical examination of every child entering school for the first time and every student participating in interscholastic athletics, performed by a doctor of medicine, osteopathic physician, physician assistant, certified nurse practitioner, or a properly trained public health nurse.
- (b) Procedures for verifying proof of immunization for all students, except those who are exempt by statute as provided in T.C.A. § 49-6-5001.
- (c) A policy for excluding students with communicable diseases and for readmitting them following recovery in accordance with the Department of Health's Communicable and Environmental Diseases Rule 1200-14-01.

- ~~(d) For the 2021-22 school year, an LEA or public charter school may adopt a policy allowing for students who are temporarily quarantined due to a positive COVID-19 test result or possible exposure to COVID-19 to participate in remote instruction offered by the LEA or Public Charter School on a temporary basis during the period of quarantine only ("COVID-19 Quarantine Period"). Remote instruction means instruction that takes place when a student is not participating in in-person instruction provided by a teacher within the traditional school setting ("Remote Instruction").~~

- ~~1. Students who participate in Remote Instruction during a temporary COVID-19 Quarantine Period may be counted as present if the LEA or public charter school monitors and reports attendance in accordance with the policy adopted by the LEA or public charter school, provided that such policies must require monitoring and taking daily student attendance which shall include daily periodic visual, verbal, and/or written confirmation of student participation in six and one-half (6 ½) hours of instructional time per day for grades one (1) through twelve (12) and four (4) hours of instructional time per day for Kindergarten, using multiple methods of confirming student attendance. Examples of methods of confirming attendance include such options as:~~

- ~~(i) Students participating in a phone call with a teacher, with parent or legal guardian support as appropriate for the age of the student; students participating in synchronous virtual instruction; students completing work in a learning management system; students submitting work via hard-copy or virtual formats; or other methods the LEA or public charter school identifies as appropriate.~~

~~LEAs and public charter schools shall report student attendance to the Department via the LEA's or public charter school's student information system utilizing the attendance code set by the Department for students participating in Remote Instruction.~~

~~LEAs and public charter schools shall ensure that Remote Instruction is provided by teachers who are properly endorsed and licensed to teach in Tennessee in compliance with state law, State Board Rules Chapter 0520-02-03, and State Board Policy 5.502 and that Remote Instruction is provided utilizing State Board approved textbooks and instructional materials, unless a waiver has been granted to the LEA or public charter school for the use of unapproved materials pursuant to state laws.~~



~~LEAs and public charter schools may only permit students to participate in Remote Instruction pursuant to this rule during a temporary COVID-19 Quarantine Period in accordance with State Board Rule 0520-01-03-.05 or in alignment with requirements for temporary Remote Instruction specified in the LEA's or public charter school's policy required by this rule.~~

~~LEAs or public charter schools may only allow students to participate in Remote Instruction on a permanent basis pursuant to State Board Rule 0520-01-03-.05 through the LEA's public virtual school or the LEA's or public charter school's virtual education program.~~

~~6. Nothing in this rule prohibits an LEA or public charter school from allowing a student who tests positive for COVID-19 and meets the requirements of state law and State Board Rule 0520-01-02-.10 on homebound instruction to receive such instruction remotely as part of the LEA or public charter school's virtual education program for homebound students as provided in State Board Rule 0520-01-03-.05.~~

(de) A Drug Free Schools Policy that addresses drug and alcohol related medical emergencies, guidelines for reporting drug and alcohol related incidents and referral of students.

1. Local boards of education may implement a drug testing program, however before a drug testing program is implemented the local board of education shall establish policies procedures and guidelines on drug testing. Local boards of education may adopt the State Board's Model Drug Testing Policy 4.201.

(ef) Procedures for reporting suspected cases of child abuse and neglect as required by T.C.A. § 37-1-403.

- (2) Each LEA ~~or consortium of LEAs that receives coordinated school health funding pursuant to T.C.A. § 49-1-1002~~ shall adopt a coordinated school health policy in accordance with the State Board's Coordinated School Health Program Policy 4.204.

**Authority:** T.C.A. §§ 49-1-302, ~~and 49-6-5001, and Public Chapter 652 of 2020~~. **Administrative History:** Original rules filed May 3, 2018; effective August 1, 2018. Repeal and new rule filed January 7, 2021; effective April 7, 2021. Emergency rule filed July 9, 2021; effective through January 5, 2022. Emergency rule expired effective January 6, 2022, and the rule reverted to its previous status. Amendments filed November 22, 2021; effective February 20, 2022.