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Sequence Number: 09-21-23

Rule ID(s): 9936

File Date: 9/20/2023

Effective Date: 12/19/2023

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).

Agency/Board/Commission: State Board of Education**Division:** N/A**Contact Person:** Angie Sanders**Address:** 500 James Robertson Parkway, 8th Floor**Zip:** 37243**Phone:** 615 253-5707**Email:** 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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.33	Fiscal Capacity Formula Review and Approval

AMENDMENT/NEW

AMEND the rules of the State Board of Education Chapter 0520-01-02 District and School Operations, by creating a new Rule section .33 titled Fiscal Capacity Formula Review and Approval, so that as amended, the revised Table of Contents and new Rule section .33 shall read:

RULES OF THE TENNESSEE DEPARTMENT OF EDUCATION THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-02 DISTRICT AND SCHOOL OPERATIONS

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0520-01-02-.01	Approval of Local Education Agencies (LEAs)	0520-01-02-.12	Waivers
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0520-01-02-.03	Repealed	0520-01-02-.14	Repealed
0520-01-02-.04	Leave for Teachers	0520-01-02-.15	Repealed
0520-01-02-.05	Adult High Schools	0520-01-02-.16	School Fees and Debts
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0520-01-02-.07	Library Information Centers	0520-01-02-.18	
0520-01-02-.08	Interscholastic Athletics	through	Repealed
0520-01-02-.09	Alternative Education	0520-01-02-.29	
0520-01-02-.10	Homebound Instruction	0520-01-02-.30	School Safety
0520-01-02-.11	School Board Training	0520-01-02-.31	Organization and Administration of Schools
		0520-01-02-.32	Assessment Materials Review
		0520-01-02-.33	Fiscal Capacity Formula Review and Approval

0520-01-02-.33 FISCAL CAPACITY FORMULA REVIEW AND APPROVAL.

- (1) The Tennessee Investment in Student Achievement ("TISA") Act passed by the Tennessee General Assembly in 2022 established a new student-based funding formula for Tennessee public schools, beginning in the 2023-24 school year.
- (2) T.C.A. § 49-3-104 requires that the fiscal capacity formula be evaluated by the Comptroller of the Treasury and approved by the State Board. Additionally, Department of Education TISA Rule 0520-12-05-.08 provides that the Comptroller of the Treasury may make recommendations on any changes to the fiscal capacity formula to the State Board, and that the State Board shall establish a process and timeline for approval of the formulas.
- (3) The purpose of this Rule is to set forth the process and timeline for the State Board to approve the fiscal capacity formula after receipt of an evaluation of the formula from the Comptroller of the Treasury and any accompanying recommendations or considerations.
- (4) Review and Approval Process.
 - (a) Prior to the implementation of TISA in the 2023-24 school year, the State Board shall review the evaluation report of the fiscal capacity formula from the Comptroller of the Treasury, along with any recommendations or considerations from the Comptroller of the Treasury and approve the formula.

- (b) The Comptroller of the Treasury shall conduct a new evaluation of the fiscal capacity formula and provide the evaluation report and any recommendations or considerations to the State Board no more than five (5) years from the date the formula was last approved by the State Board. The evaluation report shall be submitted to the State Board on or before January 1 of the fifth (5th) year.
1. If the Comptroller of the Treasury undertakes an off-cycle review and the State Board approves changes to the fiscal capacity formula as a result of the off-cycle review as set forth in paragraph (4)(e) of this Rule, the regular five (5) year review cycle does not reset. The regular five (5) year review cycle will always be determined based on the date the formula was last approved by the State Board as part of a regular review.
- (c) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the evaluation report shall include:
1. A detailed description of the proposed change and the rationale for the proposed change;
 2. The expected fiscal or other impact of the proposed change on school districts and/or local governments;
 3. A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
 4. Any methods for implementing the proposed change; and
 5. Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
- (d) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the State Board may approve the formula, with or without the change(s). The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.
1. If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from the Tennessee Advisory Commission on Intergovernmental Relations ("TACIR") and the Boyd Center for Business and Economic Research at the University of Tennessee ("CBER") into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
 2. The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(d)(1) of this Rule, according to a schedule specified by the State Board. If the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(d)(1) of this Rule until such funds are appropriated by the General Assembly.
- (e) The State Board may request that the Comptroller of the Treasury evaluate proposed changes to the fiscal capacity formula outside of the regular five (5) year cycle established above if the State Board receives a request from TACIR, CBER, the TISA Review Committee, the Commissioner of

Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula. Requests shall be submitted to the Executive Director of the State Board ("Executive Director").

1. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by TACIR or CBER shall include all information set forth in paragraphs (4)(c)(1) through (4) of this Rule and any additional information that would aid the State Board and the Comptroller of the Treasury in evaluating the proposed change. Requests that do not contain all of the required information will not be considered.
2. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by the TISA Review Committee, the Commissioner of Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education shall include a justification for the off-cycle review request and any information that would aid the State Board and the Comptroller of the Treasury in evaluating the request for the off-cycle evaluation and proposed change. Requests that do not contain all of the required information will not be considered.
3. After receipt of a complete request, the Executive Director shall conduct a review of the request and make a recommendation to the State Board. The Executive Director may recommend that the request for an off-cycle review be approved, denied, or that the request be considered by the Comptroller of the Treasury during the next scheduled regular five (5) year review.
4. If the State Board votes to request the Comptroller of the Treasury to conduct an off-cycle evaluation of proposed changes to the fiscal capacity formula, the Executive Director shall work with the Comptroller of the Treasury to determine an appropriate timeframe within which the evaluation of proposed changes to the formula shall be submitted by the Comptroller of the Treasury to the State Board for review.
5. The Comptroller of the Treasury shall submit its evaluation of the proposed changes to the fiscal capacity formula to the State Board by the deadline agreed upon by the Executive Director and the Comptroller of the Treasury. The evaluation report shall include:
 - (i) A detailed description of the proposed change and the rationale for the proposed change;
 - (ii) The expected fiscal or other impact of the proposed change on school districts and/or local governments;
 - (iii) A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to, the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
 - (iv) Any methods for implementing the proposed change; and
 - (v) Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
6. Upon receipt of the Comptroller's report evaluating the proposed change, the State Board may take no action on the report or vote to approve the changes to the fiscal capacity formula. The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.

- (i) If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from TACIR and CBER into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
- (ii) The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(e)(6)(i) of this Rule, according to a schedule specified by the State Board. If the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(e)(6)(i) of this Rule until such funds are appropriated by the General Assembly.

Authority: T.C.A. §§ 49-3-104, 49-1-302, and 4-5-102. **Administrative History:**

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jordan Mollenhour	X				
Bob Eby	X				
Ryan Holt	X				
Warren Wells	X				
Lillian Hartgrove	X				
Nate Morrow				X	
Darrell Cobbins	X				
Larry Jensen	X				
Krissi McInturff	X				
Victoria Harpool, designee for Robert Smith, Executive Director, Tennessee Higher Education Commission Non-Voting Ex-Officio					

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 8/4/2023, 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: 05/22/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 07/13/2023

Date: 09/11/2023

Signature: 

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-01-02-.33

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 Skirmetti
Attorney General and Reporter

9-15-2023

Date

Department of State Use Only

Filed with the Department of State on: 9/20/2023

Effective on: 12/19/2023


Tre Hargett
Secretary of State

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Sep 20 2023, 2:20 pm

Secretary of State
Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-01-02-.33 on July 13, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding this rule.

Informal feedback was submitted by the Comptroller of the Treasury's office, requesting clarity regarding whether or not the five-year review cycle resets once an off-cycle review has been completed. Edits were made to address this comment. Other typographical edits were also made.

Regulatory Flexibility Addendum

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

This rule does not affect small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "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;

Chapter 966 of the Public Acts of 2022, the Tennessee Investment in Student Achievement (TISA) Act, created a new student-based funding formula for K-12 public education. Part of the TISA funding formula is a fiscal capacity calculation used to determine the percentage of the local funding share that each county must contribute to public education.

T.C.A. § 49-3-104 (13) requires the State Board of Education to approve the fiscal capacity calculation after its evaluation by the Comptroller of the Treasury. Furthermore, Department of Education TISA Rule 0520-12-05-.08(3) provides that the Comptroller may make recommendations to the State Board regarding any future changes to the fiscal capacity models and that the State Board shall establish a process and timeline for approval of the formulas.

This new rule titled Fiscal Capacity Formula Review and Approval is proposed to set forth the timeline for how often the Comptroller of the Treasury will undertake a review of the Fiscal Capacity formula, the process for how the State Board will consider and approve any recommended changes or considerations noted by the Comptroller in their evaluation of the formula, and a process for how requests for changes to the formula can be evaluated by the State Board and the Comptroller's office outside of the established review cycle.

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

Chapter 966 of the Public Acts of 2022, the Tennessee Investment in Student Achievement (TISA) Act, created a new student-based funding formula for K-12 public education. Part of the TISA funding formula is a fiscal capacity calculation used to determine the percentage of the local funding share that each county must contribute to public education.

T.C.A. § 49-3-104 (13) requires the State Board of Education to approve the fiscal capacity calculation after its evaluation by the Comptroller of the Treasury. Furthermore, Department of Education TISA Rule 0520-12-05-.08(3) provides that the Comptroller may make recommendations to the State Board regarding any future changes to the fiscal capacity models and that the State Board shall establish a process and timeline for approval of the formulas.

- (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, local education agencies, local governments, and the Comptroller of the Treasury's office also directly affected by this rule. The State Board received feedback from the Comptroller of the Treasury's office that was incorporated into this rule and further explained in the rulemaking hearing comments section of this form. The State Board did not receive any public comments from the other parties urging either adoption or rejection of the proposed 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;

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

Nathan James (State Board of Education)
Nathan.James@tn.gov

Robin Yeh (Department of Education)
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

Nathan James (State Board of Education)
Nathan.James@tn.gov

Robin Yeh (Department of Education)
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 TENNESSEE DEPARTMENT OF EDUCATION
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02
DISTRICT AND SCHOOL OPERATIONS**

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0520-01-02-.33 FISCAL CAPACITY FORMULA REVIEW AND APPROVAL.

- (1) The Tennessee Investment in Student Achievement ("TISA") Act passed by the Tennessee General Assembly in 2022 established a new student-based funding formula for Tennessee public schools, beginning in the 2023-24 school year.
- (2) T.C.A. § 49-3-104 requires that the fiscal capacity formula be evaluated by the Comptroller of the Treasury and approved by the State Board. Additionally, Department of Education TISA Rule 0520-12-05-.08 provides that the Comptroller of the Treasury may make recommendations on any changes to the fiscal capacity formula to the State Board, and that the State Board shall establish a process and timeline for approval of the formulas.
- (3) The purpose of this Rule is to set forth the process and timeline for the State Board to approve the fiscal capacity formula after receipt of an evaluation of the formula from the Comptroller of the Treasury and any accompanying recommendations or considerations.
- (4) Review and Approval Process.
 - (a) Prior to the implementation of TISA in the 2023-24 school year, the State Board shall review the evaluation report of the fiscal capacity formula from the Comptroller of the Treasury, along with any recommendations or considerations from the Comptroller of the Treasury and approve the formula.
 - (b) The Comptroller of the Treasury shall conduct a new evaluation of the fiscal capacity formula and provide the evaluation report and any recommendations or considerations to the State Board no more than five (5) years from the date the formula was last approved by the State Board. The evaluation report shall be submitted to the State Board on or before January 1 of the fifth (5th) year.

(Rule 0520-01-02-.33, continued)

1. If the Comptroller of the Treasury undertakes an off-cycle review and the State Board approves changes to the fiscal capacity formula as a result of the off-cycle review as set forth in paragraph (4)(e) of this Rule, the regular five (5) year review cycle does not reset. The regular five (5) year review cycle will always be determined based on the date the formula was last approved by the State Board as part of a regular review.
- (c) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the evaluation report shall include:
1. A detailed description of the proposed change and the rationale for the proposed change;
 2. The expected fiscal or other impact of the proposed change on school districts and/or local governments;
 3. A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
 4. Any methods for implementing the proposed change; and
 5. Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
- (d) If the Comptroller of the Treasury's evaluation report includes recommendations or considerations regarding changes to the fiscal capacity formula, the State Board may approve the formula, with or without the change(s). The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.
1. If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from the Tennessee Advisory Commission on Intergovernmental Relations ("TACIR") and the Boyd Center for Business and Economic Research at the University of Tennessee ("CBER") into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
 2. The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(d)(1) of this Rule, according to a schedule specified by the State Board. If

(Rule 0520-01-02-.33, continued)

the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(d)(1) of this Rule until such funds are appropriated by the General Assembly.

(e) The State Board may request that the Comptroller of the Treasury evaluate proposed changes to the fiscal capacity formula outside of the regular five (5) year cycle established above if the State Board receives a request from TACIR, CBER, the TISA Review Committee, the Commissioner of Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula. Requests shall be submitted to the Executive Director of the State Board ("Executive Director").

1. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by TACIR or CBER shall include all information set forth in paragraphs (4)(c)(1) through (4) of this Rule and any additional information that would aid the State Board and the Comptroller of the Treasury in evaluating the proposed change. Requests that do not contain all of the required information will not be considered.

2. A request to undertake an off-cycle evaluation of proposed changes to the fiscal capacity formula submitted by the TISA Review Committee, the Commissioner of Finance and Administration, both chairs of the Finance Ways and Means Committees of the Tennessee House and Senate, or the Commissioner of Education shall include a justification for the off-cycle review request and any information that would aid the State Board and the Comptroller of the Treasury in evaluating the request for the off-cycle evaluation and proposed change. Requests that do not contain all of the required information will not be considered.

3. After receipt of a complete request, the Executive Director shall conduct a review of the request and make a recommendation to the State Board. The Executive Director may recommend that the request for an off-cycle review be approved, denied, or that the request be considered by the Comptroller of the Treasury during the next scheduled regular five (5) year review.

4. If the State Board votes to request the Comptroller of the Treasury to conduct an off-cycle evaluation of proposed changes to the fiscal capacity formula, the Executive Director shall work with the Comptroller of the Treasury to determine an appropriate timeframe within which the evaluation of proposed changes to the formula shall be submitted by the Comptroller of the Treasury to the State Board for review.

(Rule 0520-01-02-.33, continued)

5. The Comptroller of the Treasury shall submit its evaluation of the proposed changes to the fiscal capacity formula to the State Board by the deadline agreed upon by the Executive Director and the Comptroller of the Treasury. The evaluation report shall include:
 - (i) A detailed description of the proposed change and the rationale for the proposed change;
 - (ii) The expected fiscal or other impact of the proposed change on school districts and/or local governments;
 - (iii) A detailed description of options to mitigate any negative fiscal impact to school districts and/or local governments, including, but not limited to, the appropriation of additional state funding external to the TISA formula by the Tennessee General Assembly or the passage of legislation;
 - (iv) Any methods for implementing the proposed change; and
 - (v) Any additional information the Comptroller of the Treasury determines will aid the State Board in evaluating the proposed change.
6. Upon receipt of the Comptroller's report evaluating the proposed change, the State Board may take no action on the report or vote to approve the changes to the fiscal capacity formula. The approval of any changes to the fiscal capacity formula that includes a request for an adjustment in state appropriations shall be done in consultation with the Department of Finance and Administration.
 - (i) If changes to the formula are approved by the State Board, the Department shall incorporate the revised fiscal capacity estimates received from TACIR and CBER into preliminary TISA allocations provided to districts in the first fiscal year following adoption of the changes. For the second fiscal year following adoption of the changes, the Department shall incorporate revised fiscal capacity estimates into final TISA allocations provided to districts.
 - (ii) The State Board may also place additional requirements on the implementation of any approved changes to the formula, including, but not limited to, the occurrence of certain conditions specified by the State Board or delayed implementation of changes beyond the timelines set forth in paragraph (4)(e)(6)(i) of this Rule, according to a schedule specified by the State Board. If the State Board approves changes to the fiscal capacity formula contingent on additional state appropriations from the General Assembly external to the TISA formula, the approved changes shall not take effect pursuant to the schedule set forth in paragraph (4)(e)(6)(i) of this Rule

(Rule 0520-01-02-.33, continued)

until such funds are appropriated by the General Assembly.

Authority: T.C.A. §§ 49-3-104, 49-1-302, and 4-5-102. **Administrative History:**