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Sequence Number: 09-23-23  
Rule ID(s): 9938  
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, 5<sup>th</sup> Floor  
**Zip:** 37243  
**Phone:** 615 253-5707  
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**Revision Type (check all that apply):**

☒ Amendment ☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ New ☐ Content is identical to the emergency rule  
☐ Repeal

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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

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

## **AMENDMENT**

**AMEND** the rules of the State Board of Education Chapter 0520-14-01 Charter Schools, by amending section .07 Governing Body Training Approval, so that the revised rule section shall read:

### **RULES OF THE STATE BOARD OF EDUCATION**

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

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

- (1) Approval of Training Courses.
  - (a) Charter school governing body training courses ("Training Courses") shall be approved by the State Board of Education ("State Board").
  - (b) Training Course hours will be recognized only for Training Courses approved by the State Board in accordance with this rule.
  - (c) Prospective course providers shall submit an application for Training Course approval to the School Board Training Advisory Committee ("Advisory Committee") created in State Board Rule 0520-01-02-.11, by February 15 prior to the fiscal year in which the Training Course will be offered. The application for Training Course approval shall include, but is not limited to, the following information:
    1. Name of the individual(s) or entity wishing to provide training;
    2. Experience of the individual(s) or entity in providing governing body training;
    3. Instructor qualifications;
    4. Title, proposed agenda, and length of Training Courses;
    5. Intended audience for the courses (New and/or Experienced Governing Body Members);
    6. Description of content to be delivered and learning objectives;
    7. Description of instructional strategies, activities, and presentation materials;
    8. Method of delivery of Training Course content (webinar, in-person, etc.);
    9. Fees, if any, to be charged;
    10. Methods used to evaluate the achievement of stated learning objectives and provider effectiveness; and
    11. If a charter school or charter management organization ("CMO") proposes Training Courses for approval, the proposal shall state whether the Training Courses are restricted to members of the charter school or CMO's governing body or if the Training Courses will be open to any governing body member who wishes to participate.

- (d) Training Course applications shall be evaluated following the same process outlined in State Board Rule 0520-01-02-.11 paragraphs (1)(e) and (1)(f)1. Training Courses that meet the requirements of this Rule and are recommended by the Advisory Committee for approval shall be submitted by the Advisory Committee to the State Board for approval. When submitting recommended Training Courses for approval to the State Board, the Advisory Committee shall include a summary of the reasons for the approval recommendation.

1. Training Courses recommended by the Advisory Committee and approved by the State Board shall be included in State Board Policy 6.112.
2. Training Course approvals are valid for three (3) years, unless the provider or the State Board indicates the Training Course is proposed or approved for a shorter period of time. Training Courses may be submitted for renewal at the end of the approval period.
3. Approved Training Course providers shall notify State Board staff if any changes to information outlined in paragraph (c) are made to approved Training Courses during the approval period. The State Board staff shall determine if re-approval is required as a result of the changes.

(2) Training Course Requirements.

- (a) Training Course requirements for new governing body members with less than one (1) year of continuous service as part of the current governing body and members of newly approved charter school governing bodies ("New Board Members").

1. Training Course Hour Requirements. New Board Members shall, at a minimum, complete six (6) hours of training within twelve (12) months of joining the governing body.
  - (i) Governing body members with a break in service of more than one (1) year within the same governing body or new members of a governing body shall be considered New Board Members for training purposes.
2. Training Course Content Requirements. New Board Members shall, at a minimum, receive training on the following topics:
  - (i) Overview of responsibilities of non-profit governance, including but not limited to financial oversight and evaluation of school leadership.
  - (ii) State laws and rules governing charter school operations, including but not limited to student discipline and student discipline due process requirements, and requirements to comply with federal laws including, but not limited to the Individuals with Disabilities Education Act ("IDEA"), the Federal Educational Rights and Privacy Act ("FERPA"), and Section 504 of the Rehabilitation Act of 1973.
  - (iii) Tennessee open meetings and open records requirements.
  - (iv) Conflict of interest and ethics.
  - (v) Education's governance structure, including an overview of the roles and responsibilities of the State Board of Education, Department of Education, and the Public Charter School Commission.
3. New Board Members may establish compliance through the completion of one (1) six (6) hour Training Course, or through the completion of multiple Training Courses combined to reach the six (6) hour minimum.

4. New Board Members shall complete all required Training Course hours within twelve (12) months of joining the governing body.
- (b) Training Course requirements for experienced governing body members with one (1) or more years of continuous governing body service as part of a specific school's governing body ("Experienced Board Members"):
1. Training Course Hour Requirements. Experienced Board Members shall, at a minimum, complete four (4) hours of training each year.
  2. Training Course Content. Experienced Board Members may select any Training Course(s) approved by the State Board.
  3. Experienced Board Members may establish compliance through the completion of one (1) four (4) hour Training Course, or through the completion of multiple Training Courses combined to reach the four (4) hour minimum.
  4. Experienced Board Members shall complete all required Training Course hours by June 30 annually.
- (c) If a governing body member is unable to complete all required training hours due to an unanticipated hardship, the Charter School may request a waiver from the authorizer or Commissioner of Education to reduce or waive the annual training requirement for that governing body member, pursuant to T.C.A. § 49-13-111. If a New Board Member is granted a waiver of required Training Course hours for a particular year, any Training Courses not completed by the New Board Member shall be made up in the following year. Waivers shall only be valid for one (1) year.
- (d) Charter school authorizers shall monitor charter governing body compliance with these rules. Approved Training Course providers shall annually provide a list to authorizers of all governing body members who have completed approved Training Courses during the fiscal year by August 1. Governing body members shall provide documentation of the completion of required Training Courses to the authorizer, if requested.

**Authority:** T.C.A §§ 49-13-111 and 49-13-126. **Administrative History:** Original rule filed March 26, 2020; effective June 24, 2020. Amendments filed December 2, 2021; effective March 2, 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 (if required)
Krissi McInturff	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, designee for Dr. Bob Smith, Interim Executive Director, Tennessee Higher Education Commission <b>Non-Voting Ex-Officio</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 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: 9/11/2023

Signature: 

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

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

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 Skrametti  
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

**RECEIVED**

Sep 20 2023, 2:30 pm

Secretary of State  
Division of Publications

**Public Hearing Comments**

The Tennessee State Board of Education held a public rulemaking hearing on Rule 0520-14-01-.07 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.

**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.

### 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;

T.C.A. § 49-13-111(o) was amended by Public Chapter 92 of 2023 to remove the requirement for the Tennessee Charter School Center (TCSC) to certify any training course attended by charter school governing body members before such courses could be submitted to the State Board for approval. As a result of this amendment, this rule was updated to remove the TCSC from the charter school governing body training course approval process.

Additionally, the following revisions have been made to the rule:

- Extending the deadline for governing body members to complete annual training requirements to cover a full fiscal year;
- Aligning the charter school governing body training course review process with the process for review of local board of education training courses by changing the submission date for training course applications from March 15 to February 15 and requiring the School Board Training Advisory Committee established in State Board Rule 0520-01-02-.11 to also review the governing body training course applications; and
- Adding a deadline for training course providers to submit a list of board members who completed their respective trainings to authorizers.

- (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 92 of 2023 amended T.C.A. § 49-13-111(o) to remove the requirement for TCSC to certify governing body training courses prior to them being approved by the State Board.

T.C.A. § 49-13-126 authorizes the State Board of Education to make rules to effectuate the Tennessee Public Charter Schools Act, codified in Title 49, Chapter 13.

- (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, charter schools, charter school training providers, the Tennessee Charter School Center, and charter school governing body members are also directly affected by this rule. Public comments were not received from these 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](mailto:Angela.C.Sanders@tn.gov)

Nathan James (State Board of Education)  
[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 (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)

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

Angie Sanders  
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500 James Robertson Parkway, 8th Floor  
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(615) 253-5707  
[Angela.C.Sanders@tn.gov](mailto:Angela.C.Sanders@tn.gov)

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State Board of Education  
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Nashville, TN 37243  
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[Nathan.James@tn.gov](mailto:Nathan.James@tn.gov)

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

None.

RULES  
OF  
THE STATE BOARD OF EDUCATION

CHAPTER 0520-14-01  
CHARTER SCHOOLS

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

(1) Approval of Training Courses.

- (a) Charter school governing body training courses ("Training Courses") shall be ~~certified by the Tennessee Charter School Center (TCSC) and~~ approved by the State Board of Education ("State Board").
- (b) Training Course hours will be recognized only for Training Courses ~~that are certified by the TCSC and~~ approved by the State Board in accordance with this rule.
- (c) ~~The TCSC shall review proposed Training Courses. The TCSC shall require prospective~~ prospective course providers shall to submit an application for Training Course approval to the School Board Training Advisory Committee ("Advisory Committee") created in State Board Rule 0520-01-02-.11 by February 15 prior to the fiscal year in which the Training Course will be offered. The application for Training Course approval shall include, but is not limited to, the following information for review:
  - 1. Name of the individual(s) or entity wishing to provide training;
  - 2. Experience of the individual(s) or entity in providing governing body training;
  - 3. Instructor qualifications;
  - 4. Title, proposed agenda, and length of Training Courses;
  - 5. Intended audience for the courses (New ~~Board Members and/or~~ Experienced ~~Board Governing Body~~ Members, etc.);
  - 6. Description of content to be delivered and learning objectives;
  - 7. Description of instructional strategies, activities, and presentation materials;
  - 8. Method of delivery of Training Course content (webinar, in-person, etc.);
  - 9. Fees, if any, to be charged; ~~and~~
  - 10. Methods used to evaluate the achievement of stated learning objectives and provider effectiveness; ~~and,~~
  - 10-11. If a charter school or charter management organization ("CMO") proposes Training Courses for approval, the proposal shall state whether the Training Courses are restricted to members of the charter school or CMO's governing body or if the Training Courses will be open to any governing body member who wishes to participate.

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

- (d) ~~Training Course applications shall be evaluated following the same process outlined in State Board Rule 0520-01-02-.11 paragraphs (1)(e) and (1)(f)1. Training Courses that meet the requirements of this Rule and are recommended by the Advisory Committee for approval shall be submitted by the Advisory Committee approved, and are certified by the TCSC shall be submitted annually by the TCSC to the State Board for approval. When submitting recommended Training Courses for approval to the State Board, the Advisory Committee shall include a summary of the reasons for the approval recommendation.~~
- ~~1. The TCSC shall submit certified Training Courses for approval to the State Board no later than March 15 of the year in which the course will be offered.~~
- ~~2.1. Training Courses certified by the TCSC and recommended by the Advisory Committee and approved by the State Board shall be included in State Board Policy 6.112.~~
- ~~3.2. Training Course approvals are valid for three (3) years, unless the provider or the State Board indicates the Training Course is proposed or approved for a shorter period of time. Training Courses may be submitted for renewal at the end of the approval period.~~
- ~~4.3. The TCSC Approved Training Course providers shall notify the State Board staff if any changes to information outlined in paragraph (c) are made to approved Training Courses during the approval period. The State Board staff shall determine if the changes are material and if re-approval is required as a result of the changes and notify the TCSC.~~
- ~~(e) When submitting certified Training Courses for approval, the TCSC shall include a summary of the reasons for the approval recommendation to the State Board.~~

(2) Training Course Requirements.

- (a) Training Course requirements for new governing body members with less than one (1) year of continuous service as part of the current governing body and members of newly approved charter school governing bodies ("New Board Members").
1. Training Course Hour Requirements. New Board Members shall, at a minimum, complete six (6) hours of training within twelve (12) months of joining the governing body.
    - (i) Governing body members with a break in service of more than one (1) year within the same governing body or new members of a governing body shall be considered New Board Members for training purposes.
  2. Training Course Content Requirements. New Board Members shall, at a minimum, receive training on the following topics:
    - (i) Overview of responsibilities of non-profit governance, including but not limited to financial oversight and evaluation of school leadership.
    - (ii) State laws and rules governing charter school operations, including but not limited to student discipline and student discipline due process requirements, and requirements to comply with federal laws including, but not limited to the Individuals with Disabilities Education Act ("IDEA"),



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

the Federal Educational Rights and Privacy Act ("FERPA"), and Section 504 of the Rehabilitation Act of 1973.

- (iii) Tennessee open meetings and open records requirements.
  - (iv) Conflict of interest and ethics.
  - (v) Education's governance structure, including an overview of the roles and responsibilities of the State Board of Education, Department of Education, and the Public Charter School Commission.
3. New Board Members may establish compliance through the completion of one (1) six (6) hour Training Course, or through the completion of multiple Training Courses combined to reach the six (6) hour minimum.
  4. New Board Members shall complete all required Training Course hours within twelve (12) months of joining the governing body.
- (b) Training Course requirements for experienced governing body members with one (1) or more years of continuous governing body service as part of a specific school's governing body ("Experienced Board Members"):
1. Training Course Hour Requirements. Experienced Board Members shall, at a minimum, complete four (4) hours of training each year.
  2. Training Course Content. Experienced Board Members may select any Training Course(s) ~~certified by the TCSC and~~ approved by the State Board.
  3. Experienced Board Members may establish compliance through the completion of one (1) four (4) hour Training Course, or through the completion of multiple Training Courses combined to reach the four (4) hour minimum.
  4. Experienced Board Members shall complete all required Training Course hours by ~~November 15 each year~~ June 30 annually.
- (c) If a governing body member is unable to complete all required training hours due to an unanticipated hardship, the Charter School may request a waiver from the authorizer or Commissioner of Education to reduce or waive the annual training requirement for that governing body member, pursuant to T.C.A. § 49-13-111. If a New Board Member is granted a waiver of required Training Course hours for a particular year, any Training Courses not completed by the New Board Member shall be made up in the following year. Waivers shall only be valid for one (1) year.
- (d) ~~The TCSC shall provide charter school authorizers with a list of all governing body members who have completed Training Course requirements by the required deadlines set forth in this rule.~~ Charter school authorizers shall monitor charter governing body compliance with these rules. Approved Training Course providers shall annually provide a list to authorizers of all governing body members who have completed approved Training Courses during the fiscal year by August 1. Governing body members shall provide documentation of the completion of required Training Courses to the authorizer, if requested.

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

**Authority:** T.C.A §§ 49-13-111 and 49-13-126. **Administrative History:** Original rule filed March 26, 2020; effective June 24, 2020.