

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 10-05-13  
Rule ID(s): 5588  
File Date: 10/7/13  
Effective Date: 3/31/14

# 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>	Dannelle F. Walker
<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>	Dannelle.Walker@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 0520-01-03  
Minimum Requirements for the Approval of Public Schools  
Amendment

Rule 0520-01-03-.06(2)(d)(2) Examinations is amended by deleting the words "student's course average" and substituting instead "student's second semester average" so that, as amended, the new rule shall read:

2. Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the end-of-course examination on the student's second semester average is as follows for entering ninth (9th) graders:

- (i) Fall of 2009 and 2010 – twenty percent (20%);
- (ii) Fall of 2011 and 2012 – twenty-five percent (25%); and
- (iii) Fall of 2013 and thereafter - twenty-five percent (25%).

Authority: T.C.A. § 49-1-302

Rule 0520-01-03-.06(2)(d)(3)(ii) Examinations is amended by deleting the words "student's course average" and substituting instead "student's second semester average" so that, as amended, the new rule shall read:

(ii) Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the Career and Technical Education end-of-course examinations on the student's second semester average is as follows:

- (I) Fall of 2009 and 2010 - twenty percent (20%);
- (II) Fall of 2011 and 2012 - twenty-five percent (25%); and
- (III) Fall of 2013 and thereafter - twenty-five percent (25%).

Authority: T.C.A. § 49-1-302

\* 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				
Justice				X	
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member				X	

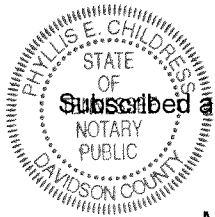
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 07/26/2013, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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: 9-9-13

Signature: Gary Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 9/9/13

Notary Public Signature: Phyllis E. Childress

MY COMMISSION EXPIRES My commission expires on: \_\_\_\_\_  
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.

Robert E. Cooper, Jr.  
Robert E. Cooper, Jr.  
Attorney General and Reporter  
9-25-13  
Date

Department of State Use Only

Filed with the Department of State on: 10/7/13

Effective on: 3/3/14



Tre Hargett  
Secretary of State

RECEIVED  
2013 OCT -7 PM 2:23  
DEPARTMENT OF STATE

**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.

**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;

Through the Tennessee Diploma Project the State Board of Education adopted new requirements for graduation in 2008. One of the new requirements was to have the end of course (EOC) test grade count as a percentage of the course average. It became apparent that LEA's could not determine a workable way to do that calculation and as a result the Board amended the High School Policy at the July 31, 2009 meeting to change from the course average to second semester average. No action was taken to make the parallel change to Rule 0520-01-03-.06(d). This rule change will make the language in the policy and the rule the same.

- (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;

T.C.A. § 49-1-302

- (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 Department of Education, Local Education Agencies (LEAs) overseen by the Department of Education, public school students

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

Ms. Dannelle F. Walker  
TN State Board of Education

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

Ms. Dannelle F. Walker  
TN State Board of Education

- (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

Ms. Dannelle F. Walker  
State Board of Education  
601 Mainstream Drive

Nashville, Tennessee 37228  
615-253-5707  
Dannelle.Walker@tn.gov

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

None.



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

(d) Examinations.

1. End-of-course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, U.S. History, Biology I, Chemistry and Physics. Further, the results of these examinations will be factored into the student's grade at a percentage determined by the State Board of Education in accordance with T.C.A. §49-1-302.
2. Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the end-of-course examination on the student's course average~~student's second semester average~~ is as follows for entering ninth (9th) graders:
  - (i) Fall of 2009 and 2010 – twenty percent (20%);
  - (ii) Fall of 2011 and 2012 – twenty-five percent (25%); and
  - (iii) Fall of 2013 and thereafter - twenty-five percent (25%).
3. In compliance with federally agreed upon indicators, end-of-course examinations aligned with students' programs of study will be given in Career and Technical Education program areas beginning with the Spring of 2010.
  - (i) End-of-course examinations aligned with the capstone courses of students' programs of study will be given in the Career and Technical Education program areas of Health Science Education and Marketing Education beginning with the Spring of 2010 in compliance with federally agreed upon indicators. The Health Science tests will be in the courses Health Science Anatomy & Physiology Diagnostic Medicine, Health Informatics, Support Services, and Nursing Education. The Marketing tests will be given in Marketing II, Advertising & Public Relations, Sales Management, Market Research & Analysis, Retail Operations, and Services Marketing.
  - (ii) Students would not be required to pass any one (1) examination, but instead would need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy. The weight of the Career and Technical Education end-of-course examinations on the student's course average~~student's second semester average~~ is as follows:
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