

**Department of State
Division of Publications**

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Sequence Number: 11-20-23
Rule ID(s): 9965
File Date: 11/30/2023
Effective Date: 2/28/2024

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, 8 th Floor
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Revision Type (check all that apply):

<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Content based on previous emergency rule filed on _____
<input type="checkbox"/> New	<input type="checkbox"/> Content is identical to the emergency rule
<input type="checkbox"/> 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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
0520-02-06	Employment Standards
Rule Number	Rule Title
0520-02-06-.03	Employment Standards for Supervisors
0520-02-06-.04	Employment Standards for Additional Support Personnel

AMENDMENT

AMEND the rules of the State Board of Education Chapter 0520-02-06 Employment Standards, Section .03 Employment Standards for Supervisors, and Section .04 Employment Standards for Additional Support Personnel, so that as amended, the revised Rule Sections .03 and .04 shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-06 EMPLOYMENT STANDARDS

0520-02-06-.03 EMPLOYMENT STANDARDS FOR SUPERVISORS.

- (1) Supervisors of Instruction. A supervisor of instruction shall:
 - (a) Hold a valid Tennessee instructional leader license or professional administrator license; or
 - (b) Hold an advanced degree and a valid Tennessee teacher license with endorsement in the area for which they will be an instructional supervisor.
- (2) Special Education Supervisors. A supervisor of special education shall:
 - (a) Hold a valid Tennessee instructional leader license or professional administrator license and shall have three (3) years of experience with programs for children with disabilities; or
 - (b) Hold an advanced degree and a valid Tennessee teacher license with endorsement in at least one (1) area of special education and shall have three (3) years of experience with programs for children with disabilities.
- (3) Career and Technical Education (CTE) Directors. A CTE director shall:
 - (a) Hold an instructional leader license or a professional administrator license; or
 - (b) Hold a bachelor's degree with a major in career and technical education with:
 - 1. At least three (3) years of teaching experience in an approved CTE program; and
 - 2. At least two (2) years in an industry-related field.
- (4) School Nutrition Program Directors.
 - (a) School nutrition program directors hired on or after July 1, 2015, shall complete at least eight (8) hours of food safety training either not more than five (5) years prior to the employee's start date or within thirty (30) days of the employee's start date and shall meet the following criteria:
 - 1. School nutrition program directors employed by local education agencies (LEAs) with a student enrollment of 500 to 2,499 must meet one (1) of the following criteria:
 - (i) Bachelor's degree or equivalent educational experience with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a

related field;

- (ii) Bachelor's degree in any academic major and a School Nutrition Association Level 3 Certificate in School Nutrition;
 - (iii) A valid Tennessee teacher license with a school food service supervisor endorsement or a food production and management services endorsement;
 - (iv) Bachelor's degree in any academic major and at least one (1) year of relevant school nutrition experience;
 - (v) Associate's degree or equivalent educational experience, with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field and at least one (1) year of relevant school nutrition programs experience; or
 - (vi) High school diploma, or high school equivalency credential approved by the State Board, and at least three (3) years of relevant experience in school nutrition programs.
2. School nutrition program directors employed by LEAs with a student enrollment of 2,500 to 9,999 must meet one (1) of the following criteria:
- (i) Bachelor's degree or equivalent educational experience with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;
 - (ii) Bachelor's degree in any academic major and a School Nutrition Association Level 3 Certificate in School Nutrition;
 - (iii) A valid Tennessee teacher license with a school food service supervisor endorsement or a food production and management services endorsement;
 - (iv) Bachelor's degree in any academic major and at least two (2) years of relevant school nutrition experience; or
 - (v) Associate's degree or equivalent educational experience, with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field and at least two (2) years of relevant school nutrition programs experience.
3. School nutrition program directors employed by LEAs with a student enrollment of more than 10,000 must meet one (1) of the following criteria:
- (i) Bachelor's degree or equivalent educational experience with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;
 - (ii) Bachelor's degree in any academic major and a School Nutrition Association Level 3 Certificate in School Nutrition;
 - (iii) A valid Tennessee teacher license with a school food service supervisor

endorsement or a food production and management services endorsement; or

- (iv) Bachelor's degree in any academic major and at least five (5) years of experience in management of school nutrition programs.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-403. **Administrative History:** Original rules filed August 20, 2020; effective November 18, 2020.

0520-02-06-.04 EMPLOYMENT STANDARDS FOR ADDITIONAL SUPPORT PERSONNEL.

- (1) Educational Assistants. Educational assistants shall, at a minimum, have a high school diploma, or a high school equivalency credential approved by the State Board, and shall show demonstrable proficiency in reading and writing skills.
 - (a) Educational assistants who have completed one (1) or more years of college shall be given preference in employment.
 - (b) Educational assistants shall only be employed in non-teaching positions and shall be subject to direct supervision of licensed teachers when directly involved in the instructional program.
 - (c) If a licensed teacher to whom an educational assistant has been assigned is required to be absent from the classroom, the educational assistant may assume responsibility for the classroom in lieu of a substitute teacher. However, no educational assistant shall assume responsibility for the classroom for more than three (3) consecutive school days.
- (2) Educational Interpreters. All individuals employed by LEAs or charter schools to provide educational interpreting for students who are deaf, deaf-blind, or hard of hearing must hold a valid Tennessee School Services Personnel license with the appropriate endorsement or must meet the following employment standards:
 - (a) All non-licensed educational interpreters employed by an LEA or charter school prior to January 1, 2021, shall satisfy the following requirements by January 1, 2021:
 - 1. Obtain a passing score on the written portion of the Educational Interpreter Performance Assessment (EIPA); and
 - 2. Obtain a minimum score of 3.0 on the performance assessment portion of the EIPA.
 - (b) All non-licensed educational interpreters employed by an LEA or charter school on January 1, 2021 or after, shall satisfy the following requirements:
 - 1. Hold at a minimum an associate's degree;
 - 2. Obtain a passing score on the written portion of the EIPA; and
 - 3. Obtain a minimum score of 3.0 on the performance assessment portion of the EIPA.
 - (c) Compensation of non-licensed individuals providing educational interpreting shall be determined by the LEA or charter school and shall take into consideration the level of preparation, training, and work requirements.

Authority: T.C.A. §§ 49-1-302, 49-2-203, 49-2-301, 49-5-108, 49-5-111, 49-5-412, and 49-6-6006. **Administrative History:** Original rules filed August 20, 2020; effective November 18, 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)
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				
Laurel Cox				X	
Victoria Harpool, designee for Steven Gentile, Interim 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 11/03/2023, 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: 08/11/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 10/02/2023

Date: 11/22/2023

Signature: 

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-02-06

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

Nov. 29, 2023
Date

Department of State Use Only

Filed with the Department of State on: 11/30/2023

Effective on: 2/28/2024



Tre Hargett
Secretary of State

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Nov 30 2023, 2:51 pm

Secretary of State
Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Rules 0520-02-06-.03 and .04 on October 2, 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;

Revisions to these rules are proposed in alignment with Public Chapter 114 of 2023 (PC 114) to remove specific references to the GED or HiSET assessments and refer instead to a high school equivalency credential approved by the State Board of Education.

- (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 114 of 2023 removed specific references to the GED or HiSET assessments throughout Tennessee Code Annotated to refer instead to a high school equivalency credential approved by the State Board of Education.

T.C.A. § 4-3-1422 authorizes the Tennessee Department of Labor and Workforce Development to make recommendations to the State Board relative to criteria or assessments that lead to the award of a high school equivalency credential, and authorizes the State Board to promulgate rules to effectuate the section.

- (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;

These rules have a direct effect on the State Board, Department of Education, and Department of Labor and Workforce Development and all urge adoption. These rules also have a direct effect on students who may be seeking a high school equivalency credential. The State Board did not hear from any citizens urging adoption or rejection of the 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

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

Robin Yeh (Department of Education)
Robin.Yeh@tn.gov

Stamatia Xixis (Department of Labor)
Stamatia.Xixis@tn.gov

Jay Baker (Department of Labor)
Jay.Baker@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

Stamatia Xixis (Department of Labor)
Stamatia.Xixis@tn.gov

Jay Baker (Department of Labor)
Jay.Baker@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 0520-02-06
EMPLOYMENT STANDARDS**

0520-02-06-.03 EMPLOYMENT STANDARDS FOR SUPERVISORS.

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 - (a) Hold a valid Tennessee instructional leader license or professional administrator license; or
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 - (ii) Bachelor's degree in any academic major and a School Nutrition Association Level 3 Certificate in School Nutrition;
 - (iii) A valid Tennessee teacher license with a school food service supervisor endorsement or a food production and management services endorsement;
 - (iv) Bachelor's degree in any academic major and at least one (1) year of relevant school nutrition experience;

- (v) Associate's degree or equivalent educational experience, with academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field and at least one (1) year of relevant school nutrition programs experience; or
 - (vi) High school diploma, or high school equivalency credential approved by the State Board equivalency diploma, and at least three (3) years of relevant experience in school nutrition programs.
2. School nutrition program directors employed by LEAs with a student enrollment of 2,500 to 9,999 must meet one (1) of the following criteria:
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 - (iii) A valid Tennessee teacher license with a school food service supervisor endorsement or a food production and management services endorsement; or
 - (iv) Bachelor's degree in any academic major and at least five (5) years of experience in management of school nutrition programs.

Authority: T.C.A. §§ 49-1-302, 49-5-108, and 49-5-403. **Administrative History:** Original rules filed August 20, 2020; effective November 18, 2020.

0520-02-06-.04 EMPLOYMENT STANDARDS FOR ADDITIONAL SUPPORT PERSONNEL.

- (1) Educational Assistants. Educational assistants shall, at a minimum, have a high school diploma, or a high school equivalency credential approved by the State Board-GED, or HiSet equivalent, and shall show demonstrable proficiency in reading and writing skills.

(a) Educational assistants who have completed one (1) or more years of college shall be

March, 2022 (Revised)

given preference in employment.

- (b) Educational assistants shall only be employed in non-teaching positions and shall be subject to direct supervision of licensed teachers when directly involved in the instructional program.
 - (c) If a licensed teacher to whom an educational assistant has been assigned is required to be absent from the classroom, the educational assistant may assume responsibility for the classroom in lieu of a substitute teacher. However, no educational assistant shall assume responsibility for the classroom for more than three (3) consecutive school days.
- (2) Educational Interpreters. All individuals employed by LEAs or charter schools to provide educational interpreting for students who are deaf, deaf-blind, or hard of hearing must hold a valid Tennessee School Services Personnel license with the appropriate endorsement or must meet the following employment standards:
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 - (b) All non-licensed educational interpreters employed by an LEA or charter school on January 1, 2021 or after, shall satisfy the following requirements:
 - 1. Hold at a minimum an associate's degree;
 - 2. Obtain a passing score on the written portion of the EIPA; and
 - 3. Obtain a minimum score of 3.0 on the performance assessment portion of the EIPA.
 - (c) Compensation of non-licensed individuals providing educational interpreting shall be determined by the LEA or charter school and shall take into consideration the level of preparation, training, and work requirements.

Authority: T.C.A. §§ 49-1-302, 49-2-203, 49-2-301, 49-5-108, 49-5-111, 49-5-412, and 49-6-6006.

Administrative History: Original rules filed August 20, 2020; effective November 18, 2020. Amendments filed December 2, 2021; effective March 2, 2022.