

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 12-27-15
Rule ID(s): 6098
File Date: 12/30/15
Effective Date: 3/29/16

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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.

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:	
Contact Person:	Tess Stovall
Address:	1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
Zip:	37243
Phone:	615-770-1190
Email:	Tess.Stovall@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

Substance of Proposed Rule

**CHAPTER 0520-01-03
MINIMUM REQUIREMENTS FOR THE APPROVAL
OF PUBLIC SCHOOLS**

Amendment

Rule 0520-01-03-.06 Graduation, Requirement E, paragraph one (1), subparagraph (d), parts 1 and 2 are amended to add a reference to Integrated Math courses and to include a reference to a new state law allowing Local Education Agencies to choose not to include end-of-course examination scores in students' final grades under certain circumstances, so that, as amended, parts 1 and 2 shall read:

0520-01-03-.06 GRADUATION, REQUIREMENT E.

(d) Examinations.

1. End-of-course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, Integrated Math I, Integrated Math II, Integrated Math III, U.S. History, Biology I, Chemistry and Physics, upon development. Students are not required to pass any one (1) examination, but instead need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy.
2. 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%).

If a Local Education Agency (LEA) does not receive its students' end-of-course examination scores at least five (5) instructional days before the scheduled end of the course, then the LEA may choose not to include its students' end-of-course examination scores in the students' second semester average.

3. Students with disabilities will be included in regular classes to the degree possible and with appropriate support and accommodations. To earn a regular high school diploma, students with disabilities must earn the prescribed twenty-two (22) credit minimum. Students failing to earn a yearly grade of seventy (70) in a course that has an end-of-course test and whose disability adversely effects performance in that test will be allowed, through an approved process, to add to their end-of-course assessment scores by demonstrating the state identified core knowledge and skills contained within that course through an alternative performance-based assessment. The necessity for an alternative performance based assessment must be determined through the student's IEP. The alternative performance-based assessment will be evaluated using a state approved rubric.
4. When the mean of the teacher-assigned grades and the mean of the end-of-course assessment results are significantly different as determined by State Board of Education policy, the school must develop and implement strategies in the School Improvement Plan to ameliorate such differences. Until such time that the State Department of Education recommends, based upon an appropriate statistical analysis, and the State Board of Education approves an acceptable measure of disparity, schools and school systems should consider differences between ten (10) and fifteen (15) or more points to be too large and develop and implement strategies through the School Improvement Plan to ameliorate such differences.

* 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)
Chancey	X				
Edwards	X				
Hartgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	X				
Troutt	X				
Student Member				X	

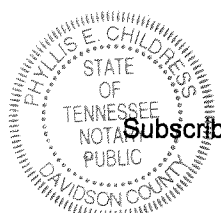
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 10/23/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 11/30/15

Signature: *[Handwritten Signature]*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 11/30/15

Notary Public Signature: *[Handwritten Signature: Phyllis E. Childress]*

MY COMMISSION EXPIRES: January 9, 2016

My commission expires on: _____

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.

[Handwritten Signature: Herbert H. Slatery III]
Herbert H. Slatery III
Attorney General and Reporter

12/15/2015
Date

Department of State Use Only

Filed with the Department of State on: 12/30/15

Effective on: 3/29/16

[Handwritten Signature: Tre Hargett]
Tre Hargett
Secretary of State

RECEIVED
2015 DEC 30 AM 11:33
SECRETARY OF STATE
PUBLICATIONS

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 rule 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;

On April 24, 2015, Governor Haslam signed into law Public Chapter 256 (codified at T.C.A. § 49-1-617(b)), which provides districts with discretion on incorporating TCAP scores into students' final grades if the LEA does not receive TCAP scores at least five (5) instructional days before the end of the school year.

This rule change aligns the State Board of Education's rule on end-of-course examinations with Public Chapter 256 and adds several new Integrated Math courses to the list of end-of-course examinations.

- (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. § 49-1-617(b)

- (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;

Local boards of education. No comments were received at the time of rulemaking.

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

N/A

- (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;

N/A

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

Nathan James
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;

Nathan James
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

Nathan James
1st Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243
615-532-3528 (Nathan)
Nathan.James@tn.gov

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

N/A

Substance of Proposed Rule

**CHAPTER 0520-01-03
MINIMUM REQUIREMENTS FOR THE APPROVAL
OF PUBLIC SCHOOLS**

Amendment

0520-01-03-.06 GRADUATION, REQUIREMENT E.

(d) Examinations.

1. ~~End-of-course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, Integrated Math I, Integrated Math II, Integrated Math III, U.S. History, Biology I, Chemistry and Physics, upon development. 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. Students are not required to pass any one (1) examination, but instead need to achieve a passing score for the course average in accordance with the State Board of Education's uniform grading policy.~~
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%).~~

~~If a Local Education Agency (LEA) does not receive its students' end-of-course examination scores at least five (5) instructional days before the scheduled end of the course, then the LEA may choose not to include its students' end-of-course examination scores in the students' second semester average.~~

3. Students with disabilities will be included in regular classes to the degree possible and with appropriate support and accommodations. To earn a regular high school diploma, students with disabilities must earn the prescribed twenty-two (22) credit minimum. Students failing to earn a yearly grade of seventy (70) in a course that has an end-of-course test and whose disability adversely effects performance in that test will be allowed, through an approved process, to add to their end-of-course assessment scores by demonstrating the state identified core knowledge and skills contained within that course through an alternative performance-based assessment. The necessity for an alternative performance based assessment must be determined through the student's IEP. The alternative performance-based assessment will be evaluated using a state approved rubric.
4. When the mean of the teacher-assigned grades and the mean of the end-of-course assessment results are significantly different as determined by State Board of Education policy, the school must develop and implement strategies in the School Improvement Plan to ameliorate such differences. Until such time that the State Department of Education recommends, based upon an appropriate statistical analysis, and the State Board of Education approves an acceptable measure of disparity, schools and school systems should consider differences between ten (10) and fifteen (15) or more points to be too large

and develop and implement strategies through the School Improvement Plan to ameliorate such differences.