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Sequence Number: 05-09-15
Rule ID(s): 5948
File Date: 5/22/15
Effective Date: 8/20/15

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: | Angie Sanders |
| Address: | 1 st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN |
| Zip: | 37243 |
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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 Number | Chapter Title |
|----------------|---------------|
| Rule Number | Rule Title |
| | |
| | |

Substance of Proposed Rules

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

Amendment

Rule 0520-01-03-.06 Graduation, Requirement E is amended so that, as amended, Section (1)(b) shall read:

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

(b) High School Diploma.

1. The following twenty-two (22) units shall be required for graduation for students who enter the ninth (9th) grade in 2009-10 and thereafter.

| | |
|------------------------------------|----------|
| <u>Ready Core Curriculum Units</u> | |
| English Language Arts | 4 |
| Mathematics* | 4 |
| Science** | 3 |
| Social Studies*** | 3 |
| Wellness**** | 1 |
| Physical Education | .5 |
| Personal Finance | 0.5 |
| Foreign Language***** | 2 |
| Fine Arts***** | 1 |
| <u>Electives Focus</u> | <u>3</u> |
| Total | 22 |

* Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least the following: Algebra I, Geometry, and Algebra II (or the equivalents) plus one (1) additional mathematics course beyond Algebra I. All students will be enrolled in a math class each year. Students with qualifying disabilities in math as documented in the individualized education program shall be required to achieve at least Algebra I and Geometry (or the equivalent).

The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

** Students who enter ninth (9th) grade in 2009-10 and thereafter shall be required to achieve, by the time they graduate, at least Biology I and either Chemistry or Physics plus another laboratory science. Students with qualifying disabilities in reading and/or math as documented in the individualized education program shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.

*** The social studies curriculum shall include United States History, World History/World Geography, Economics, and Government.

**** If, during high school, a student enlists in a branch of the United States military or in the National Guard through the military delayed entry program, the National Guard split training option or other similar early entry program and completes basic training before graduation from high school, then the student shall receive high school credit towards graduation for basic training. Credit for basic training

may be substituted, upon the choice of the student, for the required credit in lifetime wellness and credit in one (1) elective course or for credit in two (2) elective courses.

In exceptional circumstances, schools may waive the foreign language and fine art requirement for students who are not planning to attend the university to expand and enhance their elective focus.

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) |
|----------------|-----|----|---------|--------|-------------------------|
| 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 01/30/2015, 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: 4/7/15

Signature: [Signature]

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director



Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: [Signature]

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.

[Signature]
 Herbert H. Slatery III
 Attorney General and Reporter
5/4/2015
 Date

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Filed with the Department of State on: 5/22/15

Effective on: 8/20/15

[Signature]
 Tre Hargett
 Secretary 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 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;

This rule amendment brings State Board rule 0520-01-03-.06 into compliance with Public Chapter 487, passed by the 108th General Assembly. Public Chapter 487 created as a new section, T.C.A. § 49-6-1209 which states that a student who completes basic training before graduation shall receive high school credit toward lifetime wellness and one elective course or credit in two elective courses. This rule amendment updates the language from the rule to conform to the amended law.

- (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;

N/A

- (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;

Students enrolled in National Guard or U.S. Military delayed entry programs. State Board staff urged adoption and no written or verbal 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;

Angie Sanders
Angela.C.Sanders@tn.gov

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

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Angela.C.Sanders@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.

N/A