

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 05-12-15  
Rule ID(s): 5951  
File Date: 05-26-15  
Effective Date: 08-24-15

## 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).*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Angela C. Sanders
<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>	Angela.C.Sanders@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
0520-01-04	School Facilities
Rule Number	Rule Title
0520-01-04-.01	School Facilities

Chapter Number	Chapter Title
Rule Number	Rule Title

Substance of Proposed Rules

**CHAPTER 0520-01-04  
SCHOOL FACILITIES**

Amendment

The Table of Contents is amended by adding zeroes (0) into the rule numbers so that, as amended, the Table of Contents shall read as follows:

**TABLE OF CONTENTS**

0520-01-04-.01 School Facilities

0520-01-04-.02 and 0520-01-04-.03 Repealed

Authority: T.C.A. §§ 49-1-302 and 49-10-111.

Rule 0520-01-04-.01 School Facilities is amended so that, as amended, section (1) shall read:

**0520-01-04-.01 SCHOOL FACILITIES**

- (1) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety.

Authority: T.C.A. §§ 49-1-302 and 49-10-111.

\* 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				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 10/31/2014, 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: *Sara Heyburn*

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

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

Notary Public Signature: *Phyllis E. Childers*

My commission expires on: \_\_\_\_\_



MY COMMISSION EXPIRES:  
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.

Herbert H. Slatery III  
Herbert H. Slatery III  
Attorney General and Reporter  
5/14/2015  
Date

**Department of State Use Only**

Filed with the Department of State on: 05-26-15

Effective on: 08-24-15

Tre Hargett  
Tre Hargett  
Secretary of State

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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;

The current State Board Rule 0520-01-04-.01 states that when planning a new building, planning alterations and safety planning, copies of state regulations may be obtained from the State Architect. However, the State Architect no longer provides such regulations and typically refers any inquires back to State Board rule. Thus, to avoid confusion, this rule amendment deletes the sentence referring to the State Architect.

- (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;

School Facilities Managers and building planners and the State Architect were made aware of this rule. 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;

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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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- (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.

**CHAPTER 0520-01-04  
SCHOOL FACILITIES**

**TABLE OF CONTENTS**

0520-01-04-.01 School Facilities

0520-01-04-.02 and 0520-01-04-.03 Repealed

**0520-01-04-.01 SCHOOL FACILITIES**

- (1) Each school shall comply with rules, regulations, and codes of the city, county, and state regarding planning of new buildings, alterations, and safety. ~~Copies of state regulations may be obtained from the office of the State Architect.~~