
Hearing Procedures and Public Meetings
Rule 0520-09-01

The Background:

This item presents a revision to State Board rules chapter 0520-09-01 to rename the chapter and establish a new rule governing requests to speak at public meetings. The title of the chapter is amended from “Rules of Procedure for Hearing Contested Cases Before the State Board of Education” to “Hearing Procedures and Public Meetings.” A table of contents has also been added.

Revisions to rule section .01 add a title for the rule where one previously did not exist. The new title reads “Rules of Procedure for Hearing Contested Cases.” As this rule has not been amended since 1979, the citation to the Secretary of State rules that the Board has adopted is being updated to the current citation and updated statutory citations are added to the authority section.

A new rule section .02 is created to outline requirements for the public to request to provide a comment at a State Board meeting. Currently the requirements for requests to speak at State Board meetings are outlined in State Board Meetings Policy 1.400. However, in compliance with recent court decisions, procedures for the public to provide comments at meetings are now required to be outlined in a rule rather than policy. Language from Board Meetings Policy 1.400 has been moved into this rule with the following additions/clarifications:

- Requests to speak are limited to meetings with actionable items on the meeting agenda, in alignment with T.C.A. § 8-44-112.
- The 48-hour requirement for providing notice of a request to speak at a meeting is amended to include an exception for persons seeking to provide a comment on an educator license discipline action if the person requesting to speak is the educator who is the subject of the license action or their representative. However, the rule provides that requests to speak made on the day of the meeting will not be permitted.
- Added a limitation of 10 speakers per State Board meeting, with the exception of speakers on educator license discipline items. The rule directs the Executive Director to provide notice to any persons who will not be permitted to speak of the opportunity to submit a comment in writing and clarifies that written comments will not be read into the record of the meeting unless requested by a State Board member and approved by the Chair.
- Provides examples of “disruptive” with regard to the prohibition on disruptive behavior.
- Clarifies that public comments are not permitted at disciplinary appeal hearings held by the Board in accordance with State Board rule 0520-02-03-.09 and the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, et seq. This is consistent with T.C.A. § 8-44-112 which exempts disciplinary hearings from the law requiring public bodies to permit public comment. Educators who are the subject of the discipline action are not included in this prohibition as they are a party to the appeal.

State Board staff will hold a rulemaking hearing before final reading to collect public feedback.

Connection to the [Master Plan](#):

This item supports the State Board's strategic focus on Engagement and Accountability outlined in the Master Plan by ensuring that the Board's rules are regularly reviewed to maintain consistency with recent legislation, and that all rules comply with existing law.

The Recommendation:

The State Board staff recommends acceptance of this item on first reading.