

Department of State**Division of Publications**

312 Rosa L. Parks Ave., 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: 09-22-23

Rule ID(s): 9937

File Date: 9/20/2023

Effective Date: 12/19/2023

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, 5th Floor**Zip:** 37243**Phone:** 615 253-5707**Email:** Angela.C.Sanders@tn.gov**Revision Type (check all that apply):**☒ Amendment☐ New☐ Repeal☐ Content based on previous emergency rule filed on _____☐ Content is identical to the emergency rule

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 Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below.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
0520-02-05	Occupational Educator Scholarship
Rule Number	Rule Title
0520-02-05-.02	Definitions
0520-02-05-.03	Eligibility
0520-02-05-.04	Application and Selection
0520-02-05-.05	Terms of the Scholarship

AMENDMENT

AMEND the rules of the State Board of Education Chapter 0520-02-05 Occupational Educator Scholarship, by revising sections .02 through .05, so that the revised rule sections shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-05 OCCUPATIONAL EDUCATOR SCHOLARSHIP PROGRAM

0520-02-05-.02 DEFINITIONS.

- (1) "Department" means the Tennessee Department of Education.
- (2) "Distressed Rural County" means any county that qualifies as an "eligible county" under T.C.A. § 67-6-104(b)(3)(B).
- (3) "EPP" means a Tennessee educator preparation provider that is approved by the State Board of Education for the preparation of educators.
- (4) "Full-Time Teaching Service" means a minimum of fifty percent (50%) of the Recipient's weekly workload is devoted to teaching, exclusive of administrative, teaching assistance, after-school programs, counseling, or other assigned duties.
- (5) "Good Standing" means a satisfactory standard of progress toward completion of an educator preparation program as defined by the EPP the Recipient attends.
- (6) "Occupational Teacher License" means an occupational teacher license, as defined by Chapter 0520-02-03, that meets the qualifications to teach occupational career and technical education courses in a Tennessee public school.
- (7) "Prospective Educator" means an individual seeking a Tennessee Occupational Teacher License and enrolled in an eligible educator preparation program.
- (8) "Recipient" means an individual prospective educator who is selected to receive the occupational educator scholarship award based upon the fulfillment of specific eligibility criteria and in accordance with the terms outlined under this Chapter.
- (9) "Rural Community" means any community located outside of a major urban or suburban area, as defined by the Tennessee Department of Economic and Community Development.
- (10) "Tuition and Mandatory Fees" means those fees required for the enrollment or attendance of a student at an eligible institution that are charged to all students, and shall not include fees charged for books, supplies, or other fees, even if such fees are considered necessary for enrollment.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.03 ELIGIBILITY.

- (1) In order to be eligible for an occupational educator scholarship, the Prospective Educator must:
 - (a) Be a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship;
 - (b) Submit to the Department an application for an occupational educator scholarship;
 - (c) Be admitted to an EPP;
 - (d) Agree to teach occupational career and technical education courses in a Tennessee public school for a minimum of four (4) consecutive academic years; and
 - (e) Enter into a written agreement with the EPP in which the Prospective Educator is enrolled to repay the scholarship to the state of Tennessee according to a repayment schedule if the Prospective Educator does not fulfill the four (4) consecutive academic years of teaching required under (d), unless it is impossible for the Prospective Educator to fulfill the requirements of (d) because of the Prospective Educator's death or permanent disability under the standards established by T.C.A. Title 8, Chapter 36, Part 5, for determining disability for members of the Tennessee Consolidated Retirement System.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.04 APPLICATION AND SELECTION.

- (1) To be eligible to receive an occupational educator scholarship, eligible individuals must submit an application to the Department that includes:
 - (a) Verification of enrollment in an EPP;
 - (b) Verification of employment in a Tennessee public school or a letter of intent to hire from a Tennessee director of schools or public charter school leader; and
 - (c) A signed statement of intent to teach at least four (4) years in a Tennessee public school in an occupational career and technical education course.
- (2) Preference for the scholarship program shall be as follows:
 - (a) First priority shall be given to applicants from Rural Communities or applicants who are seeking employment in a Rural Community with additional priority for employment in a Distressed Rural County.
 - (b) Second priority shall be given to applicants seeking endorsement in occupational subject areas that are in-demand as determined by the Department.
 - (c) All other eligible individuals.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.05 TERMS OF THE SCHOLARSHIP.

- (1) Each Recipient of a scholarship under this Chapter shall remain in Good Standing with the EPP during the time of enrollment in order to continue to receive the scholarship.

- (2) Each Recipient shall maintain an active and valid Occupational Teacher License for the required four (4) years of employment.
- (3) A Recipient shall not accept any other financial assistance that carries with it a conflicting service obligation after graduation or program completion.
- (4) The total amount of a scholarship shall not exceed the cost of Tuition and Mandatory Fees at the EPP where the recipient is enrolled, less all other gift aid, which must be credited first to the eligible Prospective Educator's tuition and mandatory fees.
- (5) Funds shall be disbursed by the Department directly to the EPP on behalf of the Recipient. No funds shall be disbursed directly to scholarship Recipients.
- (6) The scholarship award may be transferred from one (1) EPP to another provided the transfer is approved by the Department.
- (7) Repayment.
 - (a) If the Recipient is determined to have received the scholarship based on inaccurate application information, the full amount of the scholarship received shall become due immediately to the state of Tennessee.
 - (b) The scholarship must be repaid should the Recipient fail to complete the EPP or fail to honor the terms and conditions of the scholarship agreement. Repayment for Recipients shall begin on the first day of the month following notification to the Recipient from the EPP of failure to complete the EPP program or notification of failure to honor the terms and conditions of the scholarship agreement.
 - (c) For each consecutive academic year of Full-Time Teaching the Recipient completes prior to any default under the terms and conditions of the scholarship agreement, the Recipient shall receive a credit of twenty-five percent (25%) of the scholarship amount. This credit shall not begin until the Recipient completes the EPP for which the scholarship was provided.
 - (d) Repayment may be made in whole or in monthly installments over a period of not more than four (4) years from the date of notification to the Recipient of failure to complete the educator preparation program or notification of failure to honor the terms and conditions of the scholarship agreement.
 - (e) If a Recipient issues a check, draft, warrant, or electronic funds transfer which is subsequently returned to the state of Tennessee for reason of insufficient funds, a stop payment order by the issuer, or any other reason, it will be considered non-payment.
 - (f) If it becomes impossible for the Recipient to fulfill the requirements of 0520-02-05-.03(1)(d) above due to the Recipient's death or permanent disability under the standards established by T.C.A. Title 8, Chapter 36, Part 5, for determining disability for members of the Tennessee Consolidated Retirement System, then the Recipient shall no longer be required to repay any remaining unpaid scholarship amounts currently due.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

* 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)
Krissi McInturff	X				
Jordan Mollenhour	X				
Bob Eby	X				
Ryan Holt	X				
Warren Wells	X				
Lillian Hartgrove	X				
Nate Morrow				X	
Darrell Cobbins	X				
Larry Jensen	X				
Victoria Harpool, designee for Dr. Bob Smith, 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 8/4/2023, 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: 05/22/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 07/13/2023

Date: 09/11/2023

Signature: 

Name of Officer: Angie Sanders

Title of Officer: General Counsel

Agency/Board/Commission: State Board of Education

Rule Chapter Number(s): 0520-02-05

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 Skrmetti

Attorney General and Reporter

9-15-2023

Date

Department of State Use Only

Filed with the Department of State on: 9/20/2023

Effective on: 12/19/2023



Tre Hargett
Secretary of State

RECEIVED

Sep 20 2023, 2:25 pm

Secretary of State
Division of Publications

Public Hearing Comments

The Tennessee State Board of Education held a public rulemaking hearing on Rules 0520-02-05-.02 through .05 on July 13, 2023, at 500 James Robertson Parkway, Nashville, TN and via Webex. No public comments were submitted at the hearing regarding these rules.

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;

The State Board of Education Occupational Educator Scholarship Program Rule outlines the eligibility requirements for the occupational educator scholarship program. Section -.03 requires participants to sign a promissory note agreeing to repay the scholarship if requirements are not met. This item removes the reference to a promissory note and instead requires scholarship participants to enter into a written agreement with the Educator Preparation Provider (EPP) to repay the scholarship to the state of Tennessee if requirements are not met. Several other revisions were made to better align the rule with T.C.A. § 49-11-102 and ensure consistent use of defined terms throughout.

Section -.05 of the rule was also amended to align language related to the maximum amount of the occupational educator scholarship with Public Chapter 181 of the Public Acts of 2023. Additionally, revisions were made to clarify that an individual is not required to repay the scholarship in the event of death or permanent disability, in alignment with T.C.A. § 49-11-102.

- (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;

Chapter 204 of the Public Acts of 2019 established an Occupational Educator Scholarship Program to be administered by the Department of Education.

T.C.A. § 49-11-102 gives the State Board of Education rulemaking authority for the administration and management of the Occupational Educator Scholarship Program.

- (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;

The State Board of Education and Department of Education are both directly affected by this rule and urge adoption. Tennessee Educator Preparation Providers and prospective teachers who may be eligible for the scholarship are also directly affected. Public comments were not received from these parties urging either adoption or rejection of the proposed rule.

- (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

- (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

- (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

Angie Sanders
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 253-5707
Angela.C.Sanders@tn.gov

Nathan James
State Board of Education
500 James Robertson Parkway, 8th Floor
Nashville, TN 37243
(615) 532-3528
Nathan.James@tn.gov

Robin Yeh
Department of Education
710 James Robertson Parkway, 9th Floor
Nashville, TN 37243
(615) 445-9543
Robin.Yeh@tn.gov

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

None.

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-02-05
OCCUPATIONAL EDUCATOR SCHOLARSHIP PROGRAM

0520-02-05-.02 DEFINITIONS.

- ~~(1)~~ "Candidate" means an individual seeking a Tennessee occupational teaching license and enrolled in an eligible educator preparation program.
- ~~(2)~~(1) "Department" means the Tennessee Department of Education.
- ~~(3)~~(2) "Distressed Rural County" means any county that qualifies as an "eligible county" under T.C.A. § 67-6-104(b)(3)(B).
- ~~(4)~~(3) "EPP" means a Tennessee educator preparation provider that is approved by the State Board of Education for the preparation of educators.
- ~~(5)~~(4) "Full-Time Teaching Service" means a minimum of fifty percent (50%) of the Recipient's weekly workload is devoted to teaching, exclusive of administrative, teaching assistance, after-school programs, counseling, or other assigned duties.
- ~~(6)~~(5) "Good Standing" means a satisfactory standard of progress toward completion of an educator preparation program as defined by the EPP the Recipient attends.
- (6) "Occupational Teacher License" means an occupational teacher license, as defined by Chapter Rule 0520-02-03, that meets the qualifications to teach occupational career and technical education courses in a Tennessee public school.
- ~~(7)~~ "Prospective Educator" means an individual seeking a Tennessee Occupational Teacher License and enrolled in an eligible educator preparation program.
- ~~(7)~~(8) "Recipient" means an individual prospective educator who is selected to receive the occupational educator scholarship award based upon the fulfillment of specific eligibility criteria and in accordance with the terms outlined under this Chapter.
- ~~(8)~~(9) "Rural Community" means any community located outside of a major urban or suburban area, as defined by the Tennessee Department of Economic and Community Development.
- ~~(9)~~(10) "Tuition and Mandatory Fees" means those fees required for the enrollment or attendance of a student at an eligible institution that are charged to all students, and shall not include fees charged for books, supplies, or other fees, even if such fees are considered necessary for enrollment.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.03 ELIGIBILITY.

- (1) In order to be eligible for an occupational educator scholarship, the Prospective Educator must:
- (a) Be a Tennessee resident for one (1) year immediately preceding the date of application for a scholarship;

- (b) Submit to the Department an application for an occupational educator scholarship;
- (c) Be admitted to an EPP;
- (d) Agree to teach occupational career and technical education courses in a Tennessee public school for a minimum of four (4) consecutive academic years, ~~unless prevented by an extraordinary circumstance approved by the Department~~; and
- (e) ~~Sign a promissory note agreeing to enter into a written agreement with the EPP in which the Prospective Educator is enrolled to repay the scholarship to the state of Tennessee~~ according to a repayment schedule if the ~~P~~prospective ~~E~~ducator does not fulfill the four (4) consecutive academic years of teaching required under (d), unless it is impossible for the ~~P~~prospective ~~E~~ducator to fulfill the requirements of (d) because of the ~~P~~prospective ~~E~~ducator's death or permanent disability under the standards established by T.C.A. Title 8, Chapter 36, Part 5, for determining disability for members of the Tennessee Consolidated Retirement System,

~~, or for other extraordinary circumstance approved by the Department.~~

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.04 APPLICATION AND SELECTION.

- (1) To be eligible to receive an occupational educator scholarship, eligible individuals must submit an application to the Department that includes:
 - (a) Verification of enrollment in an EPP;
 - (b) Verification of employment in a Tennessee public school or a letter of intent to hire from a Tennessee director of schools or public charter school leader; and
 - (c) A signed statement of intent to teach at least four (4) years in a Tennessee public school in an occupational career and technical education course.
- (2) Preference for the scholarship program shall be as follows:
 - (a) First priority shall be given to applicants from ~~R~~rural ~~C~~ommunities or applicants who are seeking employment in a ~~R~~rural ~~C~~ommunity with additional priority for employment in a ~~d~~istressed ~~R~~-rural ~~C~~ounty.
 - (b) Second priority shall be given to applicants seeking endorsement in occupational subject areas that are in-demand as determined by the Department.
 - (c) All other eligible individuals.

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.

0520-02-05-.05 TERMS OF THE SCHOLARSHIP.

- (1) Each ~~R~~ecipient of a scholarship under this Chapter shall remain in ~~G~~ood ~~S~~tanding with the ~~education preparation provider~~EPP during the time of enrollment in order to continue to receive ~~funding the scholarship~~.
- (2) Each ~~R~~ecipient shall maintain an active and valid ~~O~~ccupational ~~T~~eaching ~~L~~icense for the required four (4) years of employment.

- (3) A Recipient shall not accept any other financial assistance that carries with it a conflicting service obligation after graduation or program completion.
- (4) The total amount of a scholarship shall not exceed the cost of Tuition and Mandatory Fees at the EPP where the recipient is enrolled, less all other gift aid, which must be credited first to the eligible Prospective Educator's tuition and mandatory fees, the full cost of tuition and mandatory fees at the public Tennessee EPP with the highest cost or the actual tuition and mandatory fees of the EPP where the recipient is enrolled, whichever is less.
- (5) Funds shall be disbursed by the Department directly to the EPP on behalf of the Recipient. No funds shall be disbursed directly to scholarship Recipients.
- (6) The scholarship award may be transferred from one (1) EPP to another provided the transfer is approved by the Department.
- (7) Repayment.
 - (a) If the Recipient is determined to have received the scholarship based on inaccurate application information, the full amount of the scholarship received shall become due immediately to the Department state of Tennessee.
 - (b) The scholarship must be repaid should the Recipient fail to complete the educator preparation program EPP or fail to honor the terms and conditions of the scholarship agreement. Repayment for Recipients shall begin on the first day of the month following notification to the Recipient from the EPP of failure to complete the funded program EPP program or notification of failure to honor the terms and conditions of the scholarship agreement.
 - (c) For each consecutive academic year of Full-Time Teaching the Recipient completes prior to any default under the terms and conditions of the scholarship agreement, the Recipient shall receive a credit of twenty-five percent (25%) of the scholarship amount. This credit shall not begin until the Recipient completes the EPP for which the scholarship was provided.
 - (d) Repayment may be made in whole or in monthly installments over a period of not more than four (4) years from the date of notification to the Recipient of failure to complete the educator preparation program or notification of failure to honor the terms and conditions of the scholarship agreement.
 - (e) Pursuant to T.C.A. § 49-4-404, the Attorney General assumes the legal responsibility for enforcing the collection of any such indebtedness against the recipient.
 - (e) If a borrower-Recipient issues a check, draft, warrant, or electronic funds transfer which is subsequently returned to the Department of Education state of Tennessee for reason of insufficient funds, a stop payment order by the issuer, or any other reason, it will be considered non-payment.
 - (e) (f) If it becomes impossible for the Recipient to fulfill the requirements of 0520-02-05-.03(1)(d) above due to the Recipient's death or permanent disability under the standards established by T.C.A. Title 8, Chapter 36, Part 5, for determining disability for members of the Tennessee Consolidated Retirement System, then the Recipient shall no longer be required to repay any remaining unpaid scholarship amounts currently due.

Formatted: Font: 10 pt

Formatted: Normal, Justified, Indent: Left: 0.88", No bullets or numbering, Tab stops: Not at 1.24"

Formatted: Font: 10 pt

Authority: T.C.A. §§ 49-1-302 and 49-11-102. **Administrative History:** Original rules filed March 26, 2020; effective June 24, 2020.