

RULES
OF
~~TENNESSEE DEPARTMENT OF EDUCATION~~
THE STATE BOARD OF EDUCATION
~~(HEARING RULES)~~

~~CHAPTER 0520-9-4~~
~~RULES OF PROCEDURE FOR HEARING CONTESTED CASES~~
~~BEFORE THE STATE BOARD OF EDUCATION~~

CHAPTER 0520-09-01
HEARING PROCEDURES AND PUBLIC MEETINGS

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0520-09-01-.01 RULES OF PROCEDURE FOR HEARING CONTESTED CASES.

(1) For rRules of pProcedure for hHearing cContested cCases see Rules of the Secretary of State, Chapter 1360-04-01-1-7.

Authority: T.C.A. §Section 4-509 4-5-219. **Administrative History:** Original Chapter filed November 22, 1978; effective January 8, 1979.

0520-09-01-.02 REQUESTS TO SPEAK AT PUBLIC MEETINGS.

(1) The State Board of Education ("State Board") shall allow persons the opportunity to provide public comment at any State Board meeting that includes actionable items on the meeting agenda. Comments shall be permitted if the following requirements are met, subject to any additional restrictions set forth in this rule:

(a) The comment is regarding an actionable item on the meeting agenda.

(b) The person submits a request to the Executive Director of the State Board in writing at least forty-eight (48) hours prior to the scheduled start-time of the meeting. The request shall include the person's name, e-mail (if available), address, and phone number, as well as the organization, agency or individual he/she will be representing (if applicable). The request shall also identify the meeting agenda item that the comment will pertain to. An exception to the forty-eight (48) hour notice requirement may be granted for educator license action items on the agenda for the meeting, if the person requesting to speak is the subject, or representative of the subject, of the proposed license action. However, requests to speak made the day of the State Board meeting will not be honored.

(2) Additional Restrictions.

(a) Only one (1) representative for any person, organization, or agency shall be permitted to provide a public comment. Additional members of an organization or agency may be permitted to provide a public comment if all requirements of paragraph (1) are met and if granted express permission by the Chair.

(b) Excluding requests to speak with regard to educator license action items, the number of speakers at a State Board meeting shall be limited to ten (10). In the event that more than

ten (10) persons have submitted a request to provide a public comment in compliance with all requirements set forth in paragraph (1) above, the first ten (10) persons who submitted a request to the Executive Director shall be recognized by the Chair to provide a comment at the meeting. At least twenty-four (24) hours prior to the meeting, the Executive Director shall notify person(s) who will not be permitted to speak at the meeting of the opportunity to submit a written comment and shall provide the person(s) e-mail addresses for each State Board member. Comments submitted in writing will not be read into the record of the meeting unless a member has requested to read the comment and permission is granted by the Chair. In accordance with T.C.A. § 8-44-112(b) the State Board ensures opposing viewpoints are represented through the opportunity to submit comments orally at the meeting or in writing.

- (4) If a person has met all requirements set forth in paragraphs (1) and (2) of this rule, the Executive Director shall notify all State Board members of the request to give public comment and the meeting agenda item that the speaker will be commenting on.
- (5) Speakers shall be recognized by the Chair to provide a public comment at the State Board meeting for no more than three (3) minutes; however, the Chair shall have discretion to set a time limit of greater than or less than three (3) minutes based on the circumstances.
- (6) All speakers recognized by the Chair to provide a public comment shall confine their remarks to the meeting agenda item indicated in the notice provided to the Executive Director and indicated in the recognition by the Chair. Failure to adhere to this requirement may result in the Chair rescinding the speaker's recognition.
- (7) Speakers shall not directly question individual members of the State Board or the Chair without express permission of the Chair, nor shall State Board members or the State Board staff address questions directly to the speaker without permission of the Chair.
- (8) Disruptive behavior shall not be permitted in the meeting room of the State Board or in virtual meetings. The Chair may request building security or electronic meeting moderators to remove persons in violation of this section. Disruptive behavior includes, but is not limited to, continuing to speak after allotted time has expired or when not recognized by the Chair, violating the Rules of Order as outlined in this Rule or State Board of Education Board Meetings Policy 1.400, and any type of physical action or verbal utterance that disrupts the meeting in violation of T.C.A. § 39-17-306.
- (10) In accordance with T.C.A. § 8-44-102, this rule does not authorize public comments at disciplinary hearings held by the State Board upon appeal from a contested case proceeding in accordance with State Board rule 0520-02-03-.09 and the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, et seq.

Authority: T.C.A. §§ 49-1-301, 49-1-302, 4-5-102, 8-44-112, 39-17-306. **Administrative History:**