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Sequence Number: 02-18-24
Notice ID(s): 3795-3797
File Date: 2/23/2024

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Angie Sanders
Address:	500 James Robertson Parkway, 8th Floor, Nashville, TN 37243
Phone:	(615) 253-5707
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Angie Sanders
Address:	500 James Robertson Parkway, 8th Floor, Nashville, TN 37243
Phone:	(615) 253-5707
Email:	Angela.C.Sanders@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Building, Conference Room 1C, 1 st Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	04/16/2024		
Hearing Time:	10:00 am	<u> X </u> CST/CDT	<u> </u> EST/EDT

Additional Hearing Information:

****Anyone seeking to participate electronically may access the hearing using the following information:****

URL: <https://tn.webex.com/tn/j.php?MTID=m924aaf441ce759ce3f61ee5cedc195d0>

Meeting number: 2317 172 4592
Password: SBERules
Phone: 615-747-4911
Access Code: 2317 172 4592

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing.

Oral comments are invited at the hearing.

In addition, written comments may be submitted via email at angela.c.sanders@tn.gov or mailed to:
Tennessee State Board of Education
Attention: Angie Sanders
Davy Crockett Tower, 8th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243

Written comments must be received by **9:00 AM CT on April 19, 2024** in order to ensure consideration.

*****Email comments are preferred as regular mail is running very slow and may not arrive in time*****

For further information, please contact Angie Sanders by e-mail at angela.c.sanders@tn.gov.

If attending the hearing in-person, please bring identification so that you may be checked into the building by security. Conference room 1C is located on the first floor.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.12	Individualized Education Program (IEP) Requirements
0520-01-09-.18	Impartial Due Process Hearing
0520-01-09-.19	Civil Action

Chapter Number	Chapter Title
0520-01-03	Academic and Instructional Requirements
Rule Number	Rule Title
0520-01-03-.02	Uniform Grading System
0520-01-03-.06	Graduation Requirements

Chapter Number	Chapter Title
0520-09-01	Rules of Procedure for Hearing Contested Cases Before the State Board of Education
Rule Number	Rule Title
0520-09-01-.01 (NEW)	Rules of Procedure for Hearing Contested Cases
0520-09-01-.02 (NEW)	Requests to Speak at Public Meetings

AMENDMENT

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

0520-01-09-.12 INDIVIDUALIZED EDUCATION PROGRAM (IEP) REQUIREMENTS.

- (1) Special education and related services must be determined by the child's individualized education program (IEP) team based on the individual needs of the child.
- (2) Except when a written explanation to the contrary is included, the IEP of a child with a disability must include:
 - (a) Pre-vocational assessments for students in kindergarten through grade six (K-6), inclusive, or students of comparable chronological age;
 - (b) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills for the first IEP that will be in effect when the student turns fourteen (14) years old as part of the IEP transition plan; and
 - (c) Courses of study, transition services, and annual IEP goals that will reasonably enable the student to meet the postsecondary goal in the first IEP that will be in effect when the student turns fourteen (14) years old as part of the IEP transition plan.
- (3) To ensure timely access to FAPE, the IEP shall be implemented as soon as possible after development of the IEP. However, if agreement was not reached on the IEP, no change in the child's IEP or eligibility status shall be made for fourteen (14) days, in order to afford a parent time to request a due process hearing.
- (4) Upon written request of any member, the IEP team shall be convened within ten (10) school days or on a mutually agreed upon date and time.
- (5) A child with a disability must be educated in the least restrictive environment. Special classes, separate schooling, or other removals of a child with a disability from the regular educational environment must occur only when, and to the extent that, the student's IEP team determines that the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. To the maximum extent appropriate, a child with a disability must be educated alongside the child's typically developing peers.

Authority: T.C.A. §§ 49-10-101, et seq., and 34 C.F.R. Part 300. **Administrative History:** Original rule filed June 19, 2001; effective September 2, 2001. Amendment filed August 30, 2004; effective December 29, 2004. Repeal and new rule filed November 30, 2007; effective February 13, 2008. Amendment filed October 23, 2013; effective March 31, 2014. Emergency rules filed June 29, 2017; effective through December 26, 2017. Amendments filed August 11, 2017; effective November 9, 2017. Amendments filed May 14, 2021; effective August 12, 2021.

0520-01-09-.18 IMPARTIAL DUE PROCESS HEARING.

- (1) Special education due process cases shall be heard by administrative law judges employed by the secretary of state. Administrative law judges shall have jurisdiction to hear complaints arising under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, et seq., state special education law, and the Rules of the State Board of Education. The administrative office of the courts shall provide legal training in special education law to the administrative law judges assigned to hear special education due process cases sufficient to comport with the requirements of 20 U.S.C. § 1415, as from time to time amended.
- (2) When a hearing is requested, the LEA director of schools shall immediately contact the Department of Education Division of Special Education.
- (3) The LEA shall be responsible for providing an appropriate meeting place, a stenographic record of the hearing and a typed transcript of the hearing proceedings, and shall bear the administrative costs of the hearing, with the exception of the services of the hearing officer.
- (4) Expenses, up to \$5,000, for the services of a court reporter, the original copy of the transcript for the hearing officer and one (1) copy for the parents will be reimbursed upon submission of appropriate documentation to the Department of Education.

Authority: T.C.A. §§ 49-10-101 et seq, 49-10-601 et seq. and 34 C.F.R. Part 300. **Administrative History:** Original rule filed November 30, 2007; effective February 13, 2008. Emergency rules filed June 29, 2017; effective through December 26, 2017. Amendments filed August 11, 2017; effective November 9, 2017. effective November 9, 2017. Amendments filed May 14, 2021; effective August 12, 2021.

0520-01-09-.19 CIVIL ACTION.

Any party aggrieved by the findings and decision of an impartial due process hearing has the right to bring a civil action with respect to the complaint presented. The action may be brought in any state court of competent jurisdiction in accordance with Tenn. Code Ann. § 4-5-322 or in a district court of the United States without regard to the amount in controversy.

Authority: T.C.A. §§ 49-10-101 et seq. 49-10-601 et seq. and 34 C.F.R. Part 300. **Administrative History:** Original rule filed November 30, 2007; effective February 13, 2008.

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL REQUIREMENTS**

0520-01-03-.02 UNIFORM GRADING SYSTEM.

- (1) Until the 2022-2023 school year, LEAs shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12) for purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation:

Uniform Grading System					
Grade	Percentage Range		Honors Courses	Local and Statewide Dual Credit Courses, Industry Certification-Aligned Courses, and Dual Enrollment Courses	Advanced Placement, Cambridge International, College Level Exam Program (CLEP), and International Baccalaureate Courses
A	93	100	Shall include the addition of 3 percentage points to the grades used to calculate the semester average.	Shall include the addition of 4 percentage points to the grades used to calculate the semester average.	Shall include the addition of 5 percentage points to the grades used to calculate the semester average.
B	85	92			
C	75	84			
D	70	74			
F	0	69			

- (2) Beginning with grades issued in the 2022-2023 school year and thereafter, LEAs shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12) for purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation:

Uniform Grading System					
Grade	Percentage Range		Honors Courses	Local and Statewide Dual Credit Courses, and Industry Certification-Aligned Courses*.	Advanced Placement, Cambridge International, College Level Exam Program (CLEP), International Baccalaureate Courses, and Dual Enrollment Courses*.
A	90	100	Shall include the addition of 3 percentage points to the grades used to calculate the semester average.	Shall include the addition of 4 percentage points to the grades used to calculate the semester average. *Dual Enrollment Courses completed in the 2022-23 and 2023-24 school years shall include the addition of 4 percentage points to the grades used to calculate the semester average.	Shall include the addition of 5 percentage points to the grades used to calculate the semester average. * Dual Enrollment Courses completed in the 2024-25 school year and thereafter shall include the addition of 5 percentage points used to calculate the semester average.
B	80	89			
C	70	79			
D	60	69			
F	0	59			

- (3) Assigning additional quality points above 4.0 for honors courses, Advanced Placement (AP), College Level Exam Program (CLEP), International Baccalaureate (IB), Cambridge International, dual credit, dual enrollment, and Industry Certification-aligned courses is not allowed for the purpose of determining eligibility for the lottery scholarships.
- (4) LEAs must utilize the Uniform Grading System to calculate eligibility for financial assistance administered by the Tennessee Student Assistance Corporation. However, LEAs may adopt an additional local grading scale(s) for other purposes.
- (5) LEAs may adopt the Uniform Grading System for grades pre-K through eight (8) or they may adopt a local grading scale for those grades.

Authority: T.C.A. §§ 49-1-302 and 49-6-407. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment and new rule filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed April 13, 1982; effective May 28, 1982. Repeal and new rule filed April 18, 1983; effective May 18, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed August 20, 1984; effective November 13, 1984. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1986; effective October 29, 1986. Amendment filed October 29, 1986; effective December 13, 1986. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed

November 18, 1987; effective February 28, 1988. Amendment filed July 21, 1988; effective October 29, 1988. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed November 3, 1993; effective March 30, 1994. Amendment filed March 14, 1995; effective July 28, 1995. Amendment filed April 29, 1996; effective August 28, 1996. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019; Amendments filed August 20, 2020; effective November 18, 2020.

0520-01-03-.06 GRADUATION REQUIREMENTS.

(1) Students in Tennessee may earn the following diploma options:

- (a) Traditional high school diploma;
- (b) Special education high school diploma;
- (c) Occupational high school diploma; or
- (d) Alternate academic high school diploma.

(2) In order to earn a traditional high school diploma, a student shall:

(a) Earn the following twenty-two (22) minimum credits required for graduation:

English language arts	4 credits
Mathematics	4 credits
Science	3 credits
Social Studies	3 credits
Physical Education	0.5 credit
Lifetime Wellness	1 credit
Personal Finance	0.5 credit
Elective Focus	3 credits
World Language	2 credits
Fine Arts	1 credit

(b) Beginning with students who enroll in ninth (9th) grade in the 2024-25 school year or any subsequent school year, earn at least one (1) credit of computer science in high school;

- 1. Students may fulfill this requirement by substituting computer science for the student's fourth credit of mathematics, third credit of science, or an elective focus credit. Students may only use computer science as a substitution to fulfill one (1) credit in mathematics, or one (1) credit in science, or one (1) or more elective focus credits required for a traditional high school diploma.
- 2. Students who transfer from another state or country, or from a non-public school to a Tennessee high school during their twelfth (12th) grade year are exempt from this requirement.

(c) Participate in the ACT, SAT, or other eleventh (11th) grade postsecondary readiness assessment as determined by the Commissioner, unless the student qualifies for a limited medical exemption as defined by the Department; and

(d) Have a satisfactory record of attendance and discipline.

(3) Beginning in the 2024-25 school year, each public high school shall offer its students access to at least one (1) credit of computer science education.

- (4) To earn a traditional high school diploma, students with disabilities must earn the prescribed twenty-two (22)-credit minimum. Students with disabilities shall be included in general education classes to the degree possible and with appropriate support and accommodations.
- (5) A special education diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP; and
 - (c) Have satisfactory records of attendance and conduct.
- (6) Students who obtain the special education diploma may continue to work toward a traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (7) An occupational diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP;
 - (c) Have satisfactory records of attendance and conduct;
 - (d) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education; and
 - (e) Have completed two (2) years of paid or non-paid work experience.
- (8) The determination that an occupational diploma is the goal for a student with a disability shall be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (9) An alternate academic diploma may be awarded to students with significant cognitive disabilities at the end of their fourth (4th) year of high school who have:
 - (a) Participated in the high school alternate assessments;
 - (b) Earned the prescribed twenty-two (22) credit minimum, either through the state- approved standards or through alternate academic diploma modified course requirements approved by the State Board;
 - (c) Received special education services or supports and made satisfactory progress on an IEP;
 - (d) Satisfactory records of attendance and conduct; and
 - (e) Completed a transition assessment(s) that measures, at a minimum, preparedness for postsecondary education and training; employment; independent living; and community involvement.
- (10) A student who earns an alternate academic diploma shall continue to be eligible for special education services under IDEA until he or she receives a traditional high school diploma or through the school year in which the student turns twenty-two (22).

- (11) The required four (4) credits of English shall include English I, English II, English III, and English IV.
- (12) Three (3) of the required (4) credits of mathematics shall include Algebra I, Algebra II, and Geometry, or the equivalent Integrated Math I, II, and III. The fourth (4th) credit shall be in another mathematics course that extends the student's knowledge in mathematics which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
- (a) Beginning in the 2024-25 school year and thereafter, students shall be enrolled in a mathematics course or courses that are approved course substitutions that count as meeting this requirement in at least three (3) years of high school.
 - (b) Students who complete any of the required math credits prior to the ninth (9th) grade shall receive graduation credit for that coursework; however, those students are still required to enroll in math in at least three (3) years of high school. .
 - (c) Students with a qualifying disability who have deficits in mathematics as documented in the individualized education program (IEP) shall be required to achieve at least Algebra I and Geometry (or the equivalent Integrated Math I and Integrated Math II). 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.
- (13) The three (3) credits of science shall include Biology, Chemistry or Physics, and a third lab science which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
- (a) Students with a qualifying disability as documented in the IEP 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.
- (14) The three (3) credits of social studies shall include United States History and Geography, World History and Geography, Economics, and United States Government and Civics.
- (15) Students must earn one-half ($\frac{1}{2}$) credit in Personal Finance. One (1) JROTC course may be substituted for one-half ($\frac{1}{2}$) credit of Personal Finance if the JROTC instructor attends the Personal Finance training conducted by the Department
- (16) The two (2) world language credits must be earned in the same world language.
- (17) The three (3) elective focus credits may be earned in CTE, science and math, humanities, fine arts, AP/IB, computer science, or other areas designed to prepare students for the workforce and postsecondary approved by the local board of education.
- (a) Students completing a CTE elective focus must complete three (3) credits in the same CTE career cluster or state-approved program of study.
 - (b) The credit requirement for fine arts or world language may be waived by the director of schools for students, under certain circumstances, to expand and enhance the elective focus. Prior to waiver of the requirement for fine arts or world language, the student's parent or guardian must agree to the waiver in writing.
 - (c) The director of schools may waive the third (3rd) credit requirement of the elective focus during a student's 12th grade year if the completion of the third (3rd) elective focus credit would prevent or delay graduation. This waiver option includes those students who transfer during the eleventh (11th) or twelfth (12th) grade year to a Tennessee high school from a

school in another state or country, or from a non-public school.

- (18) The State Board Graduation Substitutions Policy 3.103 identifies courses that are approved as substitutions for certain graduation credit requirements.
- (19) All full-time students in grades nine (9) through twelve (12) shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the director of schools and then to the local board of education.
- (20) Every local board of education shall develop a policy regarding the minimum and maximum units in any course or subject area for which a student may earn credit toward graduation.
- (21) A public high school student may complete an early high school graduation program through the Move on When Ready Program and be eligible for unconditional entry into a public two (2)-year institution of higher education or conditional entry into a public four (4)-year institution of higher education in accordance with T.C.A. §§ 49-6-8101 - 49-6-8106 and the State Board's High School Policy 2.103. A student who does not participate in the Move on When Ready Program may still graduate earlier than the end of their 12th grade year of high school, provided the student meets all graduation requirements for a traditional high school diploma set forth in this Rule, the State Board's High School Policy 2.103, and any additional requirements for early graduation set by the LEA.
- (22) A variety of honors and distinctions may be awarded to graduating students meeting state or locally specified criteria. Each local school board shall develop a policy prescribing how students meeting honors and distinctions requirements will be noted and recognized.
- (23) LEAs may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have attained an overall grade point average (GPA) of at least a 3.0 or higher on a 4.0 scale. LEAs may set a higher GPA at their discretion. LEAs may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.
- (24) Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT shall graduate with "state honors."
- (25) Students shall be recognized as graduating with "district distinction" if they have met the graduation requirements for their diploma type, have obtained an overall GPA of at least a 3.0 or higher on a 4.0 scale, and have earned an industry credential that was on the list promoted by the Department of Education at the time the student earned it.
- (26) A student who earns a composite score of nineteen (19) or higher on the ACT, or an equivalent score on the SAT, and earns a capstone industry credential as promoted by the Department of Education, shall be recognized as a "Tennessee Tri-Star Scholar" upon graduation from high school. A student who fulfills the requirements of the Tennessee Work Ethic Distinction program shall also be recognized as a Tennessee Tri-Star Scholar upon graduation from high school. The public high school shall recognize the student's achievement at the graduation ceremony by placing an appropriate designation on the student's diploma, or other credential, or by providing a ribbon or cord to be worn with graduation regalia. The student shall be noted as a Tennessee Tri-Star Scholar in the school's graduation program.
- (27) Students will be recognized as graduating with "state distinction" by attaining a B or better grade point average and completing one (1) of the following:
 - (a) Earning an industry credential that was on the list promoted by the Department of Education at the time the student earned it;
 - (b) Participating in at least one (1) of the Governor's Schools;

- (c) Participating in one (1) of the state's AllState musical organizations;
 - (d) Earning statewide recognition or award at a skill- or knowledge-based state tournament, convention, or competition hosted by a statewide student organization, and/or qualifying for national recognition by a national student organization;
 - (e) Being selected as a National Merit Finalist or Semi-Finalist;
 - (f) Attaining a score of thirty-one (31) or higher composite score on the ACT or SAT equivalent;
 - (g) Attaining a score of three (3) or higher on at least two (2) advanced placement exams;
 - (h) Attaining a score of E/e or higher in at least two (2) Cambridge International Education A or AS exams;
 - (i) Successfully completing the International Baccalaureate Diploma Programme; or
 - (j) Earning twelve (12) or more semester hours of postsecondary credit.
- (28) LEAs shall recognize students who have attained a high level of proficiency in speaking, reading, and writing in one (1) or more languages in addition to English with a "Seal of Biliteracy." Students receiving this recognition shall meet the following criteria:
- (a) Complete all English language arts (ELA) requirements for graduation with an overall grade point average of 3.0 or higher in those classes;
 - (b) Demonstrate English proficiency through one (1) of the following:
 1. Score at the on-track or mastered level on each ELA end-of-course assessment taken;
 2. Score three (3) or higher on an Advanced Placement English Language or English Literature exam; B1 or higher on a Cambridge International English exam; or four (4) or higher on an International Baccalaureate English exam;
 3. Score twenty-two (22) or higher on the ACT Reading subtest or four hundred eighty (480) or higher on the SAT evidence-based reading and writing subtest; or
 4. Score 4.5 or higher on the WIDA Access, if the student is an English learner; and
 - (c) Demonstrate proficiency in a world language through one (1) of the following:
 1. Score Intermediate-Mid or higher in all three (3) communication modes (interpersonal, interpretive, and presentational) on a world language proficiency assessment recognized by the American Council on the Teaching of Foreign Languages (ACTFL);
 2. Score three (3) or higher on an Advanced Placement world language exam; B1 or higher on a Cambridge International world language exam; or four (4) or higher on an International Baccalaureate world language exam;
 3. Score at the Intermediate level or higher on the Sign Language Proficiency Interview (SLPI: ASL);
 4. Pass a foreign government's approved non-English language exam, or score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on another country's secondary level standardized exam in the country's non-English native language; or

5. Score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on an LEA developed alternate model. Alternate models may only be used if the identified world language does not have an associated nationally recognized assessment and must address communication, cultures, connections, comparisons, and communities.
 - (d) Each school shall document and track students' progress toward the Seal of Biliteracy.
 - (e) Each local board shall affix an appropriate insignia to the diploma of the qualifying student indicating that the student has been awarded a Tennessee Seal of Biliteracy.
- (29) Students who voluntarily complete at least ten (10) hours of community service each semester the student is in attendance at a public high school shall be recognized at their graduation ceremony.
- (30) Students graduating with a gold or platinum medal on National Career Readiness Certificate (WorkKeys) shall be recognized at their graduation ceremony.
- (31) Students graduating with a district-developed work ethic distinction shall be recognized at their graduation ceremony.
- (32) Students who are interested in pursuing a career in a high-need, high-skill industry after graduation may earn an "Industry 4.0 diploma distinction." The student's school shall include on the student's transcript the Industry 4.0 distinction if the student fulfills all Industry 4.0 distinction requirements upon graduation.
 - (a) Each public high school, including public charter high schools, shall notify ninth (9th) grade and tenth (10th) grade students enrolled in the high school of the opportunity to pursue an Industry 4.0 diploma distinction no later than ten (10) days after the first day of each semester of the school year.
 - (b) A high school student interested in receiving an Industry 4.0 diploma distinction shall before the end of their tenth (10th) grade year:
 1. Notify the student's counselor or school principal of the student's intent to pursue an Industry 4.0 diploma distinction.
 2. Provide the student's counselor or school principal with documentation signed by the student's parent or legal guardian indicating that the student's parent or legal guardian is aware of the requirements for the parent's or legal guardian's student to obtain an Industry 4.0 diploma distinction and consenting to the student's participation;
 3. Register with a regional American Job Center or other career counseling or community partner approved by the student's school; and
 4. Enroll in at least one (1) work-based learning or dual enrollment course for the student's eleventh (11th) grade year.
 - (c) Beginning in the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall meet, no less than once per month, with a career coach who has been approved to provide career coaching services by the student's school. The career coach must:
 1. Be an American Job Center career coach, a career coach from a career counseling or community partner approved by the United States Department of Labor's regional office for the state of Tennessee, or a licensed school counselor or an educator who holds a work-based learning certificate provided by the Department of Education; and

2. Meet, no less than once per month during the school year, with students assigned to the career coach by the student's school principal to assist students in:
 - (i) Developing the personal attributes required for success in the workforce, which include, but are not limited to, time management, networking, communication, teamwork, creative thinking, and conflict resolution;
 - (ii) Applying for dual enrollment grants or other available financial aid opportunities, including, but not limited to, grants and scholarships administered by the Tennessee Student Assistance Corporation;
 - (iii) Identifying the best combination of dual enrollment, work-based learning, and internship opportunities available to the student; and
 - (iv) Preparing for standardized assessments such as the ACT.
- (d) Before the end of the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall enroll in work-based learning or dual enrollment courses for the student's twelfth (12th) grade year.
- (e) A student receiving an Industry 4.0 diploma distinction shall successfully complete all coursework required for graduation for their diploma type.
- (f) A student pursuing an Industry 4.0 diploma distinction may earn at least one (1) science credit and at least one (1) math credit through course substitutions approved by the State Board in its Graduation Substitutions Policy 3.103, including, but not limited to, dual enrollment and work-based learning courses that are aligned to a student's chosen career path. Work-based learning course substitutions may only fulfill a student's third (3rd) credit of science and/or fourth (4th) credit of math. Pursuant to State Board Rule 0520-01-03-.03 and State Board Graduation Substitutions Policy 3.103, high schools shall accept dual enrollment courses as a substitution for an aligned graduation requirement course.
- (g) A student receiving an Industry 4.0 diploma distinction shall earn nine (9) credits of dual enrollment or work-based learning in grades nine (9) through twelve (12), which may be satisfied by the student's successful completion of dual enrollment coursework, work-based learning experiences, on-the-job training, or other mentorships or structured educational experiences that allow the student to apply the student's knowledge and skills in a work environment to develop an understanding of workplace expectations.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005, 49-6-3104, 49-6-3105, 49-6-6001, 49-6-6201, and 49-6-8301, et seq.; Sections 30 78 through 80, and 88 of Chapter 535 of the Public Acts of 1992; and Public Chapter 448 (2013). **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 18, 1974; effective August 17, 1974. Amendment filed June 30, 1975; effective July 30, 1975. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed April 13, 1982; effective May 28, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed January 19, 1983; effective April 18, 1983. Amendment filed September 28, 1983; effective December 14, 1983. Amendment filed January 6, 1984; effective April 15, 1984. Amendment filed June 28, 1984; effective July 28, 1984. Amendment filed June 28, 1984; effective September 11, 1984. Amendment filed May 12, 1985; effective August 13, 1985. Amendment filed October 3, 1985; effective January 14, 1986. Amendment filed March 25, 1986; effective June 14, 1986. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed July 10, 1987; effective October 28, 1987. Amendment filed July 22, 1987; effective October 28, 1987. Amendment filed September 20, 1987; effective December 29, 1987. Amendment filed November 18, 1987; effective February 28, 1988. Amendment filed April 18, 1988; effective July 27, 1988. Amendment filed May 13, 1988; effective August 29, 1988. Amendment filed October 18, 1988; effective January

29, 1989. Amendment filed November 22, 1988; effective February 28, 1989. Amendment filed November 16, 1989; effective February 28, 1990. Amendment filed June 5, 1990; effective September 26, 1990. Amendment filed October 12, 1990; effective January 29, 1991. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed June 24, 1992; effective September 28, 1992. Amendment filed July 21, 1992; effective October 28, 1992. Amendment filed September 1, 1992; effective December 29, 1992. Amendment filed April 14, 1993; effective July 28, 1993. Amendment filed August 10, 1993; effective December 29, 1993. Amendment filed October 28, 1993; effective March 1, 1994. Amendment filed January 21, 1994; effective May 31, 1994. Amendment filed January 31, 1995; effective May 31, 1995. Amendment filed March 27, 1995; effective July 28, 1995. Amendment filed May 31, 1996; effective September 27, 1996. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed July 13, 1998; effective November 27, 1998. Amendment filed November 18, 1998; effective March 30, 1999. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed November 30, 1999; effective March 29, 2000. Amendment filed April 28, 2000; effective August 28, 2000. Amendment filed July 31, 2000; effective November 28, 2000. Amendment filed October 31, 2000; effective February 28, 2001. Amendment filed August 31, 2001; effective December 28, 2001. Amendment filed December 31, 2001; effective April 30, 2002. Amendment filed March 28, 2002; effective July 29, 2002. Amendment filed October 31, 2002; effective February 28, 2003. Amendment filed March 31, 2003; effective July 29, 2003. Amendment filed June 30, 2003; effective October 28, 2003. Amendment filed August 30, 2004; effective December 29, 2004. Amendments filed May 19, 2005; effective September 28, 2005. Amendments filed June 30, 2005; effective October 28, 2005. Amendment filed June 19, 2007; effective October 26, 2007. Amendments filed September 6, 2007; effective January 28, 2008. Repeal and new rule filed June 11, 2008; effective October 28, 2008. Amendment filed July 17, 2009; effective December 29, 2009. Amendment filed February 24, 2010; effective July 29, 2010. Amendment filed February 6, 2013; effective July 29, 2013. Amendment filed June 18, 2013; effective November 28, 2013. Amendments filed September 6, 2013; effective February 28, 2014. Amendments filed October 7, 2013; to be effective March 31, 2014. However, the State Board of Education filed a withdrawal of the rule. Amendments filed November 27, 2013; effective April 30, 2014. Amendment filed May 8, 2014; effective October 29, 2014. Amendment filed October 13, 2014; effective January 11, 2015. Amendment to rule 0520-01-03-.06(1)(b) filed May 22, 2015; effective August 20, 2015. Amendment to rule 0520-01-03-.06(3) filed May 22, 2015; effective August 20, 2015. Amendments filed December 30, 2015; effective March 29, 2016. Amendments filed October 25, 2017; effective January 23, 2018. Amendments filed March 20, 2018; to have been effective June 18, 2018. However, on May 24, 2018, the Government Operations Committee filed a 5-day stay; new effective date June 23, 2018. Amendments filed January 11, 2019; effective April 11, 2019. Amendments filed August 20, 2020; effective November 18, 2020. Amendments filed January 6, 2023; effective April 6, 2023.

AMENDMENT/NEW
RULES
OF
THE STATE BOARD OF EDUCATION
CHAPTER 0520-09-01
HEARING PROCEDURES AND PUBLIC MEETINGS
TABLE OF CONTENTS

0520-09-01-.01 Rules of Procedure for Hearing Contested
Cases

0520-09-01-.02 Requests to Speak at Public Meetings

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

- (1) For rules of procedure for hearing contested cases see Rules of the Secretary of State, Chapter 1360-04-01.

Authority: T.C.A. § 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.
- (9) 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:**

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 02/23/2024

Signature: 

Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

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Tre Hargett
Secretary of State

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