

**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: \_\_\_\_\_

Notice ID(s): \_\_\_\_\_

File Date: \_\_\_\_\_

## 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.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	N/A
<b>Contact Person:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 5 <sup>th</sup> Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	Angela.C.Sanders@tn.gov

*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:*

<b>ADA Contact:</b>	Angie Sanders
<b>Address:</b>	500 James Robertson Parkway, 5 <sup>th</sup> Floor, Nashville, TN 37243
<b>Phone:</b>	(615) 253-5707
<b>Email:</b>	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 <sup>st</sup> Floor		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	9/16/2021		
Hearing Time:	10:00 AM	<input checked="" type="checkbox"/> X <input type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

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

**URL:** <https://tn.webex.com/tn/j.php?MTID=m8c460208413ee47d2693fc6a5684a41a>

**Password:** SBERules

**Phone:** 1-415-655-0001

**Access Code:** 180 504 8833

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing. **If prohibitions on in-person gatherings due to COVID-19 prevent this hearing from occurring in-person, such information will be posted on the State Board's website and all attendees will utilize the above information to participate electronically.**

Oral comments are invited at the hearing.  
 In addition, written comments may be submitted via email at [angela.c.sanders@tn.gov](mailto:angela.c.sanders@tn.gov) or mailed to:  
 Tennessee State Board of Education  
 Attention: Angie Sanders  
 Davy Crockett Tower, 5<sup>th</sup> Floor  
 500 James Robertson Parkway  
 Nashville, Tennessee 37243.

Written comments must be received by 4:30 PM CT on September 21, 2021 in order to ensure consideration. For further information, please contact Angie Sanders by e-mail at [angela.c.sanders@tn.gov](mailto: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
0520-14-01	Charter Schools
Rule Number	Rule Title
0520-14-01-.07	Governing Body Training Approval

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.11	School Board Training

Chapter Number	Chapter Title
0520-01-02	District and School Operations
Rule Number	Rule Title
0520-01-02-.31	Organization and Administration of Schools

**AMENDMENT**

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-14-01  
CHARTER SCHOOLS**

**0520-14-01-.07 GOVERNING BODY TRAINING APPROVAL.**

(1) Approval of Training Courses.

- (a) Charter school governing body (“Governing Body”) training courses (“Training Courses”) shall be certified by the Tennessee Charter School Center (“TCSC”) and approved by the State Board of Education (“State Board”).
- (b) Training hours will be recognized only for Training Courses that are certified by the TCSC and approved by the State Board in accordance with this rule.
- (c) The TCSC shall review proposed governing body Training Courses. The TCSC shall require prospective course providers to submit the following information for review:
  - 1. Name of the individual(s) or entity wishing to provide training;
  - 2. Experience of the individual(s) or entity in providing governing board training;
  - 3. Instructor qualifications;
  - 4. Title, proposed agenda, and length of training courses;
  - 5. Intended audience for the courses (New Board Members, Experienced Board Members, etc.);
  - 6. Description of content to be delivered and learning objectives;
  - 7. Description of instructional strategies, activities, and presentation materials;
  - 8. Method of delivery of Training Course content (webinar, in-person, etc.);
  - 9. Fees, if any, to be charged; and
  - 10. Methods used to evaluate the achievement of stated learning objectives and provider effectiveness.
- (d) Training Courses that meet the requirements of this rule and are certified by the TCSC shall be submitted annually by the TCSC to the State Board for approval.
  - 1. The TCSC shall submit certified Training Courses for approval to the State Board no later than March 15 of the year in which the course will be offered.

2. Training Courses certified by the TCSC and approved by the State Board shall be included in State Board Policy 6.112.
  3. Training Course approvals are valid for three (3) years, unless the provider or State Board indicates the course is proposed or approved for a shorter period of time.
  4. The TCSC shall notify the State Board if any changes to information outlined in paragraph (c) are made to approved Training Courses during the approval period. The State Board staff shall determine if the changes are material and if re-approval is required as a result of the changes and notify the TCSC.
- (e) When submitting certified Training Courses for approval, the TCSC shall include a summary of the reasons for the approval recommendation to the State Board.

(2) Training Course Requirements.

- (a) Training requirements for new Governing Body members with less than one (1) year of continuous service as part of the current Governing Body and members of newly approved charter school Governing Bodies (“New Board Members”).
1. Training Hour Requirements. New Board Members shall, at a minimum, complete six (6) hours of training within twelve (12) months of joining the Governing Body.
    - i. Governing Body members with a break in service of more than one (1) year within the same Governing Body or new members of a Governing Body shall be considered New Board Members for training purposes.
  2. Training Course Content. New Board Members shall, at a minimum, receive training on the following topics:
    - i. Overview of responsibilities of non-profit governance, including but not limited to financial oversight and evaluation of school leadership.
    - ii. State laws and rules governing charter school operations, including student discipline and student discipline due process requirements, and requirements to comply with federal laws including, but not limited to the Individuals with Disabilities Education Act (“IDEA”), the Federal Educational Rights and Privacy Act (“FERPA”), and Section 504 of the Rehabilitation Act of 1973.
    - iii. Tennessee open meetings and open records requirements.
    - iv. Conflict of interest and ethics.
  3. New Board Members may establish compliance through the completion of one (1) six (6) hour Training Course, or through the completion of multiple Training Courses combined to reach the six (6) hour minimum.
  4. New Board Members shall complete all required training hours within twelve (12) months of joining the Governing Body.
- (b) Training Requirements for experienced Governing Body members with one (1) or more years of continuous Governing Body service as part of a specific school’s Governing Body (“Experienced Board Members”).

1. Training Hour Requirements. Experienced Board Members shall, at a minimum, complete four (4) hours of training each year.
  2. Training Course Content. Experienced Board Members may select any Training Course(s) certified by the TCSC and approved by the State Board.
  3. Experienced Board Members may establish compliance through the completion of one (1) four (4) hour Training Course, or through the completion of multiple Training Courses combined to reach the four (4) hour minimum.
  4. Experienced Board Members shall complete all required training hours by November 15 each year.
- (c) If a Governing Body member is unable to complete all required training hours due to an unanticipated hardship, the Charter School may request a waiver from the authorizer or Commissioner of Education to reduce or waive the annual training requirement for that Governing Body member, pursuant to T.C.A. § 49-13-111. If a New Board Member is granted a waiver or reduction of required hours for a particular year, any Training Courses not completed by the board member shall be made up in the following year. Waivers shall only be valid for one (1) year.
- (d) Approved Training Course providers shall provide a list to the TCSC of all governing body members who have completed approved Training Courses by November 15 of each year. The TCSC shall provide a list to charter school authorizers of all Governing Body members who have completed training requirements by the required deadlines set forth in this rule. Charter school authorizers shall monitor charter Governing Body compliance with these rules. Governing Body members shall provide documentation of the completion of required Training Courses to the authorizer, if requested.

**Authority:** T.C.A § 49-13-111;. **Administrative History:**

**AMENDMENT**

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02  
DISTRICT AND SCHOOL OPERATIONS**

**0520-01-02-.11 SCHOOL BOARD TRAINING.**

- (3) Approval of Training Courses.
- (f) Local school board member training courses (“Training Courses”) shall be approved by the State Board.
  - (g) Training hours will be recognized only for Training Courses approved by the State Board in accordance with this rule.
  - (h) The State Board shall appoint a School Board Training Advisory Committee (“Advisory Committee”) responsible for evaluating and recommending Training Courses for approval. The Advisory Committee shall include a member of the State Board of Education, the Executive Director of the State Board or his/her designee, the Commissioner of Education or his/her designee, and at least one (1) local school board member. The Advisory Committee may also include others appointed by the State Board for terms designated by the State Board.
  - (i) Beginning in 2022, the Advisory Committee shall evaluate proposed Training Courses and recommend Training Courses for approval to the State Board. The Advisory Committee shall require prospective course providers to submit an application for Training Course approval to the Advisory Committee by February 15 prior to the fiscal year in which the course will be offered. The application for Training Course approval shall include, but is not limited to, the following information:
    - 1. Name of the prospective course provider (individual(s), entity, or LEA);
    - 2. Experience of the prospective course provider in providing school board member training;
    - 3. Instructor qualifications;
    - 4. Title, proposed agenda, and length of Training Course(s);

5. Intended audience for the course(s) (New Board Members and/or Experienced Board Members);
  6. Description of content to be delivered and learning objectives;
  7. Description of instructional strategies, activities, and presentation materials;
  8. Method of delivery of training course content (webinar, in-person, etc.);
  9. Fees, if any, to be charged;
  10. Methods used to evaluate the achievement of stated learning objectives and course provider effectiveness; and
  11. If an LEA proposes Training Courses for approval, the proposal shall state whether the Training Courses are restricted to members of the LEA's Board of Education or if Training Courses will be open to any Board of Education member who wishes to participate.
- (j) Any Training Courses not recommended for approval may be re-submitted by the provider to the Advisory Committee during the next application cycle.
- (k) Training Courses that meet the requirements of this rule and are recommended by the Advisory Committee for approval shall be submitted by the Advisory Committee to the State Board for approval.
1. Beginning in 2022, the Advisory Committee shall submit recommended Training Courses for approval to the State Board no later than May 1 prior to the fiscal year in which the course will be offered.
  2. Training Courses recommended by the Advisory Committee and approved by the State Board shall be included in State Board Local School Board Member Training Policy 2.100.
  3. Training Course approvals are valid for three (3) years, unless the provider or State Board indicates the course is proposed or approved for a shorter period of time.
  4. Approved Training Course providers shall notify State Board staff if any changes to information outlined in subparagraph (1)(d) are made to approved Training Courses during the approval period. State Board staff shall determine if re-approval by the State Board is required as a result of the changes.

- (l) When submitting recommended Training Courses for approval to the State Board, the Advisory Committee shall include a summary of the reasons for the approval recommendation.

(4) Training Requirements.

- (a) Training Requirements for New Board Members. Beginning on July 1, 2022, newly elected or newly appointed members of a local board of education (“New Board Members”) shall, at a minimum, participate in twenty-one (21) hours of training during their first year in office. The twenty-one (21) hours shall include fourteen (14) hours of orientation Training Courses covering topics outlined in subparagraph (2)(a)(1); however, if a New Board Member has been elected to a local board of education with a break in service of more than four (4) years, the New Board Member may choose to substitute any orientation Training Course with any other approved Training Course to count toward the required fourteen (14) hours of orientation training. The remaining seven (7) hours shall be selected from any additional approved Training Course(s). All required training hours shall be completed within twelve (12) months of joining the local board of education.

1. Orientation Training Course Content. New Board Members shall complete orientation Training Courses covering the following topics:

- i. Education’s governance structure, including an overview of the roles and responsibilities of the State Board of Education, Department of Education, and the Public Charter School Commission;
- ii. School data and finance;
- iii. Communication and engagement;
- iv. Board policies;
- v. Strategic planning;
- vi. School law;
- vii. Board/Director of Schools relations;
- viii. Board/staff relations;
- ix. Board/student relations;
- x. Tennessee open meetings and open records requirements; and
- xi. Conflict of interest and ethics.



- (b) Training Requirements for Experienced Board Members. Beginning on July 1, 2022, experienced local school board members with one (1) or more years of service on a local board of education with a break in service of no more than four (4) years (“Experienced Board Members”) shall, at a minimum, complete seven (7) hours of training each fiscal year.
    - 5. Training Course Content. Experienced Board Members shall select any approved Training Course(s) to meet the required seven (7) hours each fiscal year.
    - 2. Local school board members who are re-elected to a local board of education with no break in service shall be considered Experienced Board Members for training purposes.
- (5) School Board Member Stipends and Monitoring.
- (a) Local school board members may receive a stipend for completing approved Training Courses, subject to available funding. The Department of Education may be responsible for administration of any stipend payments utilizing state funds.
  - (b) The Department of Education shall be responsible for monitoring local school board member compliance with these rules. Approved Training Course providers shall provide a list to the Department of Education of all local school board members who have completed approved Training Courses during the fiscal year. This report shall be submitted to the Department of Education by July 15 following each fiscal year.
  - (c) If a local school board member is unable to complete all required training hours due to an unanticipated hardship, the Commissioner of Education may reduce the number of required hours required for the board member under this rule upon receiving explanation of the unanticipated hardship and request for reduction. Any reduction granted by the Commissioner of Education shall only be valid for one (1) year. If a New Board Member is granted a reduction by the Commissioner, any orientation Training Courses not completed by the board member shall be made up in the following year. If a local school board member was unable to complete any of the required training hours due to an unanticipated hardship, the local board of education may request that the Commissioner of education waive the annual training requirement for that board member. The waiver request shall include an explanation of the unanticipated hardship that prevented the board member from completing any required training hours.
- (4) Until July 1, 2022, Local School Board members shall comply with training course requirements through participation in the School Board Academy program administered by the Department of Education.

**Authority:** T.C.A. § 49-2-202(a)(6). **Administrative History:** Original rule certified June 10, 1974. Amendment filed June 10, 1974; effective July 10, 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 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 January 20, 1982. Amendment filed January 2, 1986; effective April 15, 1986. Amendment filed May 23, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed September 22, 2015; effective December 21, 2015.

**AMENDMENT**

**RULES  
OF  
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-02  
DISTRICT AND SCHOOL OPERATIONS**

**0520-01-02-.31 ORGANIZATION AND ADMINISTRATION OF SCHOOLS.**

- (1) The minimum length of the school day for students shall be six and one-half (6½) hours.
- (a) LEAs may provide for professional development during the school day under one (1) of the following options:
1. LEAs which elect to extend the school day to at least seven (7) hours for the purpose of meeting instructional time requirements missed due to dangerous or extreme weather conditions may allocate a portion of that extension for the purpose of faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings, as permitted in T.C.A. § 49-6-3004(e)(1), under the following conditions:
    - (i) Prior to the beginning of the school year, the LEA shall designate how many days shall be allocated for dangerous or extreme weather conditions and how many shall be allocated for student dismissals for faculty professional development, IEP team meetings, school-wide or system-wide instructional planning meetings, parent/teacher conferences, or other similar meetings. The total number of days shall not exceed thirteen (13).
    - (ii) Faculty professional development shall be consistent with the policies, standards, and guidelines established by the State Board of Education.
    - (iii) LEAs shall submit their plans for the allocation of excess time to the Commissioner for approval.
  2. LEAs may adopt policies providing for individual schools to have school days of at least seven (7) hours in order to accumulate instructional time to be used for periodic early student dismissals for the purpose of faculty professional development. The following conditions shall apply to LEAs exercising this option:
    - (i) Early dismissals shall not exceed the equivalent of thirteen (13) days and shall not exceed three and one-half (3½) hours in any week.
    - (ii) Students shall attend school one-hundred eighty (180) days.
    - (iii) Faculty professional development shall be consistent with standards and guidelines established by the State Board of Education in the Professional Development Policy 5.200.

- (2) The length of the kindergarten day shall not be less than four (4) hours. Double sessions in any kindergarten program may be permitted so long as both sessions meet all legal requirements for kindergarten programs.
- (3) A cumulative record provided to teachers by the LEA shall be kept up to date for each student, kindergarten (K) through grade twelve (12), and shall remain as local school property.
  - (a) Each school shall provide for the storage and safekeeping of all records and reports.
  - (b) The maintenance, use, dissemination, and confidentiality of information in school records and reports shall be governed by written policies of the local board of education.
- (4) Local boards of education shall have policies providing for class sizes in grades kindergarten (K) through twelve (12) in accordance with the following:

Grade Level	Average Class Size	Maximum Class Size
K-3	20	25
4-6	25	30
7-12	30	35
Career and Technical Education	20	25

- (a) The average class size for a grade level unit (such as the unit K-3) shall not exceed the stated average, although individual classes within that grade level unit may exceed the average.
  - (b) No class shall exceed the prescribed maximum size.
  - (c) The average class size and the maximum class size shall be based on regular classroom teaching positions pursuant to T.C.A. § 49-1-104(c).
  - (d) Class size limits may be exceeded in such areas as keyboarding and instrumental and vocal music classes, provided that the effectiveness of the instructional program in these areas is not impaired.
  - (e) LEAs may seek a waiver from the Commissioner to extend the Career and Technical Education (CTE) class size average in grades nine through twelve (9-12), provided that individual class sizes do not exceed the maximum class size set for CTE classes.
  - (f) LEAs shall not establish split-grade classes for the purpose of complying with the provisions of the class size averages and maximums. However, these provisions do not prevent LEAs from using multi-aged classes.
  - (g) Local boards of education must approve the establishment of any split-grade classes for any purpose, provided that split-grade classes shall not be established for the purpose of compliance with the provisions herein.
  - (h) The average class size specified for the grade levels involved in split-grade classes will be the maximum size allowed in such classes.
- (5) Teachers shall be on duty at least seven (7) hours per day and such additional time as the LEA requires.
  - (6) Local boards of education shall provide full-time classroom teachers in grades kindergarten (K) through twelve (12) with individual duty-free planning periods during the established instructional day.

- (a) Individual planning time shall consist of two and one-half (2½) hours each week during which teachers have no other assigned duties or responsibilities other than planning for instruction. The two and one-half (2½) hours may be divided on a daily or other basis.
  - (b) In schools providing a lunch period for students, all teachers shall be provided each day with a lunch period during which they shall not have assigned duties. The lunch period for each teacher shall be at least the same amount of time as that allowed for students. Individual duty-free planning time shall not occur during any period that teachers are entitled to duty-free lunch.
  - (c) Any LEA which is providing an individual duty-free planning period by extending the school day by thirty (30) minutes as of the beginning of the 2000-01 school year may continue such practice and satisfy the planning time requirements.
- (7) Local boards of education shall ensure compliance with the background check requirements of T.C.A. §§ 49-5-406 and 49-5-413, for all teachers or for any other positions requiring close proximity to children.
  - (8) Local boards of education shall develop, maintain, and implement a long-range strategic plan that addresses at least a five (5)-year period of time. The plan shall be updated every two (2) years and include a mission statement, goals, objectives, and strategies, and address the State Board of Education Master Plan. The LEA shall develop and implement a district-level improvement plan that operationalizes the local board of education's five (5)-year strategic plan in accordance with State Board District and School Improvement Planning Policy 2.101.

**Authority:** T.C.A. §§ 49-1-104, 49-1-302, 49-1-613 and 49-6-3004. **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: 7/26/2021

Signature: \_\_\_\_\_

*Angela C. Sanders*

Name of Officer: Angela C. Sanders

Title of Officer: General Counsel

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State