

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 02-12-18
Rule ID(s): 6695
File Date: 2/7/18
Effective Date: 5/8/18

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee State Board of Education
Division:	
Contact Person:	Elizabeth Taylor
Address:	710 James Robertson Pkwy 1st floor
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Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0520-07-02	Non-Public School Approval Process
Rule Number	Rule Title
0520-07-02-.07	Category IV: International Schools Affiliated with a Tennessee Public University

AMENDMENT

Rule 0520-07-02, Non-public school approval process, is amended by changing the language in the Table of contents so that, as amended, it shall read:

RULES
OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-07-02
NON-PUBLIC SCHOOL APPROVAL PROCESS

TABLE OF CONTENTS

0520-07-02-.01	Categories	0520-07-02-.05	Category IV: Exempted Schools
0520-07-02-.02	Category I: Department of Education Approval	0520-07-02-.06	Category V: Acknowledged for Operation
0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.07	Repealed
0520-07-02-.04	Category III: Regional Accreditation	0520-07-02-.08	Repealed

REPEAL

0520-07-02-.07 Category IV: International Schools Affiliated with a Tennessee Public University is repealed.

0520-07-02-.07 REPEALED

Authority: T.C.A. §§ 49-1-302 and 49-6-3001. **Administrative History:** Original rule filed December 19, 2002; to be effective April 30, 2003; however, on April 29, 2003, the State Board of Education stayed rule 0520-07-02-.07 until June 28, 2003. Original rule to become effective June 28, 2003.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chancey	X				
Cook	X				
Edwards	X				
Ferguson	X				
Hartgrove	X				
Johnson	X				
Kim	X				
Rolston	X				
Tucker	X				
Troutt	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Education on 01/27/2017, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

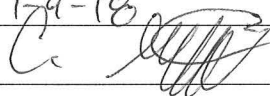
Date: 1/19/18

Signature: 

Name of Officer: Elizabeth Taylor

Title of Officer: General Counsel

Subscribed and sworn to before me on: 1-19-18

Notary Public Signature: 

My commission expires on: 3-8-21



State Board of Education Rules
Chapter 0520-07-02 – Non-Public School Approval Process
Rules 0520-07-02-.07

All proposed 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.

Herbert H. Slatery III
Herbert Slatery, III
Attorney General and Reporter
1/26/2018
Date

Department of State Use Only

Filed with the Department of State on: 2/7/18
Effective on: 5/8/18
Tre Hargett

Tre Hargett
Secretary of State

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COMMUNICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not Applicable

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules will have no 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;

State Board of Education rule 0520-07-02 currently establishes the requirements for six categories of non-public schools in Tennessee. In an effort to provide greater clarity and remove outdated language within the non-public school approval process rules, Category IV: International Schools Affiliated with a Tennessee Public University is being removed as a category because it has never been used.

- (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;

T.C.A. § 49-1-302(l)(2)(A) mandates that the State Board shall promulgate regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, to establish standards for programs operated by private schools.

- (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;

International schools affiliated with a Tennessee public university are most directly affected by this rule. All proposed rule changes have been reviewed and approved by the Tennessee Non-Public Advisory Council, which does not have opposition to the repeal. The State Board of Education and the Department of Education urge the repeal of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

N/A

- (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;

This rule will not impact state and local government revenues or expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@tn.gov

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Elizabeth Taylor
Elizabeth.Taylor@tn.gov

Nathan James
Nathan.James@tn.gov

Elizabeth Fiveash
Elizabeth.Fiveash@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

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

N/A

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-07-02
NON-PUBLIC SCHOOL APPROVAL PROCESS**

TABLE OF CONTENTS

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0520-07-02-.03	Category II: Agency Accreditation	0520-07-02-.07	Category VI: International Schools
0520-07-02-.04	Category III: Regional Accreditation	Affiliated <u>Repealed</u>	with a Tennessee Public University
		0520-07-02-.08	Repealed

~~0520-07-02-.07 CATEGORY VI: INTERNATIONAL SCHOOLS AFFILIATED WITH A TENNESSEE PUBLIC UNIVERSITY REPEALED.~~

- ~~(1) The State Board of Education may approve a Tennessee public university to act as a school approval agency for non-public international secondary schools. Such schools must be affiliated with the university and may serve grades 9-12 or any combination thereof. Such universities must have teacher preparation programs approved by the State Board of Education.~~
- ~~(2) The State Department of Education shall consider schools approved by a university acting as a school approval agency as having approved status.~~
- ~~(3) International home schools which may affiliate with a Tennessee public university are not approvable under this category.~~
- ~~(4) Procedures for Application of a Tennessee Public University as an Approved Non-Public School Accrediting Agency.

 - ~~(a) The Tennessee public university seeking approval as an agency shall apply to the State Department of Education and shall supply relevant information needed by the department.~~
 - ~~(b) The State Department of Education shall review the application of the university with respect to the criteria for approval and recommend to the State Board of Education that the application be approved or denied. The applicant university may address the State Board of Education at the time its application is being considered.~~~~
- ~~(5) Period of Approval.

 - ~~(a) The period of approval for a recognized Tennessee public university acting as an agency shall be five years.~~
 - ~~(b) A university which fails to meet the minimum standards for approval will have its approved status revoked.~~~~
- ~~(6) Criteria for Approval of a University Acting as an Agency for the Approval of Non-Public International Schools.~~

(Rule 0520-07-02-.07, continued)

~~(a) Scope of Operation of University Acting as an Agency. The agency shall:~~

- ~~1. Have a clearly written statement of its objectives;~~
- ~~2. Delineate the process by which it approves schools; and~~
- ~~3. Accredit only schools with at least 200 full-time students.~~

~~(b) Organization of University Acting as an Agency. The agency shall:~~

- ~~1. Specify qualifications for professional personnel for the agency; and~~
- ~~2. Employ at least one full time director or headmaster.~~

~~(c) Responsibility of the University Acting as an Agency. The agency shall:~~

- ~~1. Maintain written descriptions of the requirements for school approval;~~
- ~~2. Re-evaluate approved schools annually;~~
- ~~3. Give advance publication of proposed changes in approval standards to schools. These changes must be approved in advance by the State Department of Education;~~
- ~~4. Advise schools or directly provide them with technical assistance to address deficiencies;~~
- ~~5. Publish approval policies and lists of approved schools;~~
- ~~6. Require schools to report on deficiencies that could affect approval status;~~
- ~~7. Have procedures for revocation of approval;~~
- ~~8. Provide a list of all courses taught and the grade levels at which they are taught at each school;~~
- ~~9. Publish and follow minimum standards using the following criteria (or the university acting as an agency may use the standards set forth in the Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee):~~

~~(i) Curriculum and Graduation.~~

~~(I) The program shall include (but not be limited to) the areas of English, mathematics, social studies, science, the arts, foreign language (which may be the language of the host country), and wellness, consistent with Tennessee curriculum standards.~~

~~(II) Each school shall use print and non-print materials, including textbooks, which are adequate to meet the needs of the instructional program. See Chapter 0520-01-03.~~

~~(III) Each student shall meet the same minimum requirements for graduation as students in Tennessee public schools, with exceptions to be approved by the Department of Education. The specific requirements are listed in Chapter 0520-01-03.~~

(Rule 0520-07-02-.07, continued)

~~(ii) Inservice. Each school shall have a minimum of five days for inservice education per school year.~~

~~(iii) Teacher Licensure and Evaluation.~~

~~(I) Each university shall submit its procedures for licensing teachers. If the teachers are licensed by the State of Tennessee, they must meet the requirements of the state. If the teachers are licensed by the host country, they shall meet the requirements of the appropriate jurisdiction of the host country; if such teachers are employed to teach in a Tennessee school as exchange teachers, they shall be recommended for this purpose by the university acting as an agency.~~

~~(II) Each teacher shall hold a valid license as defined by the State of Tennessee or shall meet the requirements of the appropriate jurisdiction of the host country.~~

~~(III) Each university acting as an agency shall develop procedures for evaluation of all teaching personnel from the State of Tennessee.~~

~~(iv) Facilities.~~

~~(I) Each school shall comply with rules, regulations, and codes of the appropriate jurisdiction regarding planning of new buildings, alterations, and safety.~~

~~(II) Each school shall observe all fire safety regulations and procedures promulgated by the appropriate agency having such jurisdiction.~~

~~(III) Each school shall have classrooms, laboratories, and libraries which are sufficient in number, adequate in space, and so constructed and arranged as to be conducive to carrying on the assigned activities. Physical education facilities shall be well maintained, free from hazards, and large enough to permit an adequate wellness program.~~

~~(v) Administrative Rules.~~

~~(I) Each school shall maintain an operating schedule that includes the minimum number of instructional days and hours required of Tennessee public schools. See Chapter 0520-01-03.~~

~~(II) Each school which provides services to students eligible for special education shall meet all standards of the State Board of Education rule 0520-01-09.~~

~~(III) Each school shall develop and implement a written policy regarding maintenance of students in good academic standing. The written policy shall be communicated to students and parents.~~

~~(IV) The maximum enrollments for an individual class shall be specified and shall not exceed requirements for Tennessee public schools.~~

~~(V) Each school shall maintain complete and accurate permanent records. A cumulative record for each student for all work in secondary school is required.~~

(Rule 0520-07-02-.07, continued)

- ~~(VI) Each school shall evaluate records and report the needs and progress of its students.~~
- ~~(VII) Each school shall provide a sufficient number of appropriately qualified administrators, librarians and guidance counselors for the student body served.~~
- ~~(IX) Each principal or headmaster shall comply with the requirement of the local jurisdiction that each student enrolled in school be vaccinated against disease.~~
- ~~(vi) Testing Program. Each school shall administer the high school examinations required by the State of Tennessee; the results must be communicated to teachers and parents and kept on file at the school for one calendar year. If passing scores are required by the State of Tennessee, then students must meet the minimum scores required in order to receive a Tennessee high school diploma. In order to receive a diploma, graduates must have achieved English language proficiency according to standards specified by the university.~~

Authority: T.C.A. §§ 49-1-302 and 49-6-3001. **Administrative History:** Original rule filed December 19, 2002; to be effective April 30, 2003; however, on April 29, 2003, the State Board of Education stayed rule 0520-07-02-.07 until June 28, 2003. Original rule to become effective June 28, 2003.