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Sequence Number: 05-10-15
Rule ID(s): 5949
File Date: 5/26/15
Effective Date: 8/24/15

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Angela C. Sanders
Address:	1st Floor, Andrew Johnson Tower 701 James Robertson Parkway Nashville, TN
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Revision Type (check all that apply):
X 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**
0520-01-02	Administrative Rules and Regulations
Rule Number	**Rule Title**
0520-01-02-.03	Employment Standards

Chapter Number	**Chapter Title**
Rule Number	**Rule Title**

Substance of Proposed Rule

CHAPTER 0520-01-02
ADMINISTRATIVE RULES AND REGULATIONS

Amendment

Rule 0520-01-02-.03 Employment Standards is amended so that section (3) shall read:

0520-01-02-.03 EMPLOYMENT STANDARDS

(3) A classroom teacher with an endorsement in elementary education or early childhood education is eligible to teach any subject, including art, music, and physical education in the grades covered by the endorsement as part of the teacher's regular classroom assignment. However, a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01(2)(c), may teach Algebra I at any grade level if they have:

(a) An endorsement to teach through at least grade eight (8), and

(b) A passing score on the middle school math PRAXIS, and

(1) Successful completion of a state-approved training, or

(2) A passing score on a supplemental test in the content area approved for this purpose by the State Department of Education, or

(3) A one (1) year, two (2) year, or three (3) year Tennessee Value-Added Assessment System (TVAAS) score of Level five (5) in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.

Authority: T.C.A. §§ 49-1-302 and 49-6-6006.

* 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				
Edwards				X	
Hartrgrove	X				
Johnson	X				
Pearre	X				
Roberts	X				
Rolston	X				
Tucker	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 10/31/2014, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 4/7/15

Signature:

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

Subscribed and sworn to before me on: 4/7/15

Notary Public Signature: Phyllis E. Childress

My commission expires on:

PHYLLIS E. CHILDRESS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

MY COMMISSION EXPIRES:
January 9, 2016

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
Attorney General and Reporter

5/15/15
Date

Department of State Use Only

Filed with the Department of State on: 5/26/15

Effective on: 8/24/15

Tre Hargett
Secretary of State

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PUBLICATIONS

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)

This rule 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;

T.C.A. §49-6-6006 requires teachers who teach courses in which an end of course exam is required for students to satisfy graduation requirements to pass a criterion referenced test or standardized test if their license does not carry a subject specific endorsement for the subject area of the course. This statutory requirement has impacted a large number of middle school and special education teachers who teach Algebra I, but do not carry a secondary mathematics endorsement.

Currently, the Employment Standard in SBE Rule 0520-01-02.03(3) allows a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01(2)(c), an endorsement to teach through at least grade eight (8), a passing score on the middle school math Praxis, and attendance at state-approved training to teach Algebra I at any grade level. In order to continue high expectations and provide teachers another way to demonstrate mastery of the Algebra I content, the new proposed rule includes two additional options for teachers to meet the employment standard:

1. Receive a passing score on a supplemental test in the content area approved for this purpose by the department. This test will fulfill the requirement established in statute and allow teachers with a license up to grade eight (8) to teach Algebra I at any level; or
2. Have a one year, two year, or three year TVAAS score of Level 5 in Algebra I in the 2011-12, 2012-13, or 2013-14 school year.

This change will allow teachers to meet the employment standard by passing Praxis 5169 and meeting one of the following:

1. Attending a state-approved training; or
2. Receiving a passing score on a supplemental test (in addition to Praxis 5169) in the content area approved for this purpose by the department; or
3. Receiving a one year, two year, or three year TVAAS score of Level 5 in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.

(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. § 49-6-6006.

(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;

Teachers of Algebra I were made aware of the change. State Board staff and the Department of Education urged adoption of this rule. No written or verbal comments were received at the time of rulemaking.

(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;

N/A

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

Angela C. Sanders Angela.C.Sanders@tn.gov

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

Angela C. Sanders Angela.C.Sanders@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

Angela Sanders 1st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN 37243 615-253-5707 Angela.C.Sanders@tn.gov

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

N/A

CHAPTER 0520-01-02
ADMINISTRATIVE RULES AND REGULATIONS

0520-01-02-.03 EMPLOYMENT STANDARDS

(1) A teacher or principal shall hold a valid Tennessee teacher license with an endorsement covering the work assignment as provided in T.C.A. Title 49, Chapter 5.

(2) A teacher may teach up to two sections of one course outside the area of endorsement. For a teacher to teach more than one course or more than two sections of one course outside the area of endorsement, an employment standard waiver must be requested and approved. Teachers assigned two or more sections of a course outside the area of endorsement before June 30, 1976 may continue to teach those courses until a new assignment is made by the local school officials.

(3) A classroom teacher with an endorsement in elementary education or early childhood education is eligible to teach any subject, including art, music, and physical education, in the grades covered by the endorsement as part of the teacher's regular classroom assignment. However, a teacher with a professional license pursuant to State Board Rule 0520-02-04-.01-(2)(c), may teach Algebra I at any grade level if they have:

(a) A~~a~~n endorsement to teach through at least grade eight (8), and

(b) A~~a~~ passing score on the middle school math PRAXIS, and ~~attendance at state-approved training may teach Algebra I at any grade level.~~

(1) Successful completion of a state-approved training, or

(2) A passing score on a supplemental test in the content area approved for this purpose by the State Department of Education, or

(3) A one (1) year, two (2) year, or three (3) year Tennessee Value-Added Assessment System (TVAAS) score of Level five (5) in Algebra I in the 2011-12, 2012-13, or 2013-14 school years.

(4) A teacher in grades K through 8 who teaches art, music, or physical education the major portion of the day shall be endorsed in art, music, or physical education respectively. However, a teacher endorsed in elementary education who was assigned to teach music, art, or physical education the major portion of the day during the 1990-91 school year may continue to teach the specific course until such time as a new assignment is made by the local school officials.

(5) A teacher with a license endorsed in a subject 7-12 may teach any subject in grade six covered by the endorsement.

(6) Principals.

(a) Effective September 15, 2009, assistant principals, teaching principals, or dual assignment personnel with more than fifty percent (50%) of their responsibilities involved in instructional leadership must be properly licensed or be enrolled in a State Board approved instructional leadership preparation program.

(b) A principal shall hold one of the following endorsements: beginning administrator, professional administrator, administration/supervision, or principal.

(c) Individuals employed for the first time as a principal beginning July 1, 1994, shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.

(d) Individuals employed for the first time as a principal beginning July 1, 1994, shall be employed with the beginning administrator, administration/supervision or principal endorsements for a maximum of three years; after three years, the principal must be recommended for and attain the professional administrator endorsement for continued employment as a principal. In the event that a candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning principal prior to obtaining the professional administrator endorsement.

(e) A principal, with the approval of the superintendent, shall establish and implement an annual plan for personal professional development in accordance with guidelines established by the State Board of Education.

(f) A principal of a school with less than 225 students shall not be required to meet the requirements of (a), (b), or (c).

(g) A principal holding an endorsement in administration/supervision, supervisor of instruction, or principal on August 31, 1994, shall not be required to meet the requirements of (b) or (c).

(7) Teaching Personnel in Gifted Education

(a) A classroom teacher in special or general education providing direct instruction to students identified by state criteria as intellectually gifted students shall meet the following employment standards:

1. The teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and

2. The teacher shall meet one of the following standards:

(i) The teacher shall work in consultation with a teacher who meets the standards for consulting teachers listed in (b) or

(ii) The teacher shall have completed six semester hours of college or university course work or the equivalent contact hours in teaching gifted students approved by the Department of Education or

(iii) The teacher shall hold an endorsement in gifted education.

(b) A consulting teacher in special or general education who works with other teachers or who teaches classes especially designed for gifted students in grades prekindergarten through twelve shall meet the following employment standards:

1. The consulting teacher shall be endorsed in the appropriate general education area or must hold the appropriate special education endorsement and

2. The consulting teacher shall meet one of the following standards:

(i) The consulting teacher shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or

(ii) The consulting teacher shall hold an endorsement in gifted education.

(c) An individual who serves as a gifted education coordinator in special or general education shall meet one of the following employment standards:

1. The individual shall hold an educator license with an endorsement in gifted education or

2. The individual shall hold an educator license and shall have completed six semester hours of college or university coursework or the equivalent contact hours in teaching gifted students approved by the Department of Education or

3. The individual shall hold a license endorsed in one of the following, beginning administrator, professional administrator, administration/supervision or supervisor of instruction.

A classroom teacher who was endorsed in special education prior to September 1, 1989 and who served gifted students prior to July 1, 1988, may continue to teach eligible intellectually gifted students, provided that they have completed an in-service training program approved by the Department of Education.

(8) Teachers of Computer Technology, Grades 9-12.

(a) A teacher of personal computing, computer productivity applications, and interactive multimedia design shall have a valid Tennessee teacher license with an endorsement in grades 7-12 and shall have completed the equivalent of six semester hours of computer course work or have the appropriate endorsement.

(b) A teacher of BASIC and adventures in computing shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of six semester hours of computer course work including at least one programming language.

(c) A teacher of programming languages and advanced placement computer science shall have a valid Tennessee teacher license with an endorsement grades 7-12 and shall have completed the equivalent of 12 semester hours of computer course work including six semester hours of programming.

(9) Career and Technical Education

(a) A teacher of agricultural education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have appropriate work experience.

(b) A teacher of marketing education shall hold a valid Tennessee teacher license with appropriate endorsement and shall have two (2) years of appropriate experience in marketing education.

(c) A teacher of health science education shall have completed one (1) year of successful employment experience, obtained through full-time or part-time status, within the past five (5) years in a related health occupation prior to teaching.

(d) Other occupational educators shall be a high school graduate or higher. The teacher shall have a minimum of five (5) years of appropriate and current work experience in the field for which application is made. A combination of career and technical education at the postsecondary level from a state approved institution, or other accredited public or private institution, may also be evaluated. The amount of credit awarded for work experience through postsecondary education shall depend on the endorsement and related industry.

(10) Other Instructional and Related Personnel.

(a) A school counselor shall hold the appropriate license and endorsement for the grade levels assigned.

(b) A school psychologist shall hold a valid license with the school psychologist endorsement.

(c) A school social worker shall hold a license with the school social work endorsement.

(d) A supervisor of instruction shall hold a valid Tennessee license with one of the following endorsements: beginning administrator, professional administrator, administrator/ supervisor, or supervisor of instruction.

1. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall hold an appropriate endorsement and shall meet the requirements for test/assessment specified by the State Board of Education.

2. Beginning July 1, 1994, individuals employed for the first time as a supervisor of instruction shall be employed with the beginning administrator, administrator/supervisor, or supervisor of instruction endorsements for a maximum of three years. After three years, for continued employment as a supervisor of instruction, the supervisor of instruction must be recommended for and attain the professional administrator endorsement. In the event that the candidate changes employment prior to obtaining the professional administrator endorsement, the candidate may be employed again as a beginning supervisor of instruction prior to obtaining the professional administrator endorsement.

3. Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.

4. Persons having an endorsement as a supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license and shall not be required to meet the requirements of 1 or 2.

(e) A supervisor of special education shall:

1. Hold a valid Tennessee license with one of the following endorsements: beginning administrator, administrator/supervisor, or supervisor of instruction and shall have three years of experience with programs for children with disabilities; or

2. Hold a master's degree and a valid Tennessee teacher license with endorsement in at least one area of special education and shall have three years of experience with programs for children with disabilities.

(f) Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required of a supervisor of instruction.

(g) Persons having an endorsement as supervisor of instruction as of August 31, 1994, shall be issued a professional administrator license.

(h) Compensatory Education Personnel (Chapter 1).

1. A project director or supervisor of the subject areas and/or program areas shall hold endorsement as supervisor of instruction, administration/supervision or superintendent.

2. A Chapter I evaluator shall hold a valid Tennessee teacher license or shall meet employment standards as a school psychologist or school counselor.

3. Other professional personnel employed in Chapter I programs not otherwise covered by licensure or employment standards shall possess a valid Tennessee teacher license.

(i) Persons holding career and technical education supervisory positions, including local directors, supervisors, coordinator specialists, assistant principals for career and technical education, and center administrators, shall have one of the following sets of qualifications:

1. A bachelor's degree in career and technical education from an accredited four year college or university, three (3) years of teaching experience in an approved career and technical education program and two (2) years of appropriate employment experience in a recognized occupation, or

2. A bachelor's degree with a career and technical education endorsement, three (3) years teaching experience, two (2) years of appropriate work experience, and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development, or

3. An endorsement as a PreK-12 administrator or secondary supervisor or principal and completion of (by July 1, 2008 or within a three-year period from the date of employment) the required matrix of career and technical core competencies for professional development.

(j) Educational assistants shall have not less than a high school education or an equivalency high school diploma; those who have completed one or more years of college shall be given preference in employment.

(k) A superintendent appointed by the local board of education elected by the general public shall only be required to have a baccalaureate degree. Any elected superintendent shall meet all qualifications set forth in these rules and regulations, which include at least a master's degree with emphasis in administration supervision and related courses.

(l) Individuals employed by local school systems to provide educational interpreting for students who are deaf shall satisfy the requirements defined below beginning September 1, 1997.

1. An Interpreter/Educational Assistant shall be a high school graduate or equivalent as determined by performance on the General Education Development (GED) Test: and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

2. An Interpreter/Educational Tutor shall have completed a minimum of 48 semester hours of coursework at a postsecondary level: and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

3. An Educational Interpreter/Instructor shall have completed a bachelors degree and a program in educational interpreting or hold a valid teacher license; and successfully complete training or screening developed by the State Department of Education and approved by the State Board of Education.

4. Compensation of an individual providing educational interpreting shall be determined by the local school system and shall take into consideration the level of preparation, training, and work requirements.

(m) An audiologist shall hold a license with audiologist endorsement.

(n) A school speech-language pathologist shall hold a school service personnel license with the school speech language pathologist endorsement pursuant to 0520-02-04-.12(2).

(o) A school speech-language teacher hired by a local school system to work under the direction of a school speech-language pathologist shall hold a school speech-language teacher license (A or B), a teacher license with a school speech-language teacher endorsement or a teacher license with an endorsement 068 or 464 pursuant to 0520-02-03- .01(20).