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Sequence Number: 04-07-15
Rule ID(s): 5931
File Date: 4/6/15
Effective Date: 7/5/15

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:	State Board of Education
Division:	
Contact Person:	Angela C. Sanders
Address:	1st Floor, Andrew Johnson Tower 710 James Robertson Parkway Nashville, TN
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Revision Type (check all that apply):

___ Amendment
X New
X 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**
0520-01-03	Minimum Requirements for the Approval of Public Schools
Rule Number	**Rule Title**
0520-01-03-.05	State Curriculum, Requirement D

Rule 0520-01-03-.05 (3) State Curriculum, Requirement D is repealed by deleting paragraph (3) and substituting instead the following so that, as amended, the new paragraph shall read:

(3) Grading and Promotion.

(a) Each school shall evaluate and report in writing to the parent(s) or legal guardian(s) each student's progress in each subject, at least every nine weeks, in accordance with the school system's evaluation plan. A parent or legal guardian will sign or otherwise acknowledge the report and return it to the teacher. Local school systems may choose not to require parental acknowledgement of the grade report for students in grades seven through twelve (7-12). If parental acknowledgement is not required, schools must publish annually the dates and method of reporting student progress and must provide ample opportunities for parents to notify the school of any concerns.

(b) Local school systems shall develop and implement grading, promotion, and retention policies for grades kindergarten through eight (K-8). The policies shall be communicated annually to students and parents.

(c) Local school systems shall use the following uniform grading system for students enrolled in grades nine through twelve (9-12). Students' grades shall be reported for the purposes of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation using the uniform grading system.

Uniform Grading System – Weighting for Advanced Coursework				
Grade	% Range	Honors Courses & National Industry Certification	Statewide Dual Credit Courses	Advanced Placement & International Baccalaureate
A	93 – 100	May include the addition of three (3) percentage points to the grades used to calculate the semester average.	May include the addition of four (4) percentage points to the grades used to calculate the semester average.	May include the addition of five (5) percentage points to the grades used to calculate the semester average.
B	85 – 92			
C	75 – 84			
D	70 – 74			
F	0 – 69			

Assigning additional quality points above 4.0 for honors courses, AP, IB, and National Industry Certification courses is not allowed for the purpose of determining eligibility for the lottery scholarships.

All course types, as defined below, shall be used for reporting student grades for the determination of eligibility for HOPE scholarships.

(d) State approved courses shall meet all appropriate content standards, learning expectations, and performance indicators as approved by the State Board of Education and are eligible for the points listed above.

(e) Local education agencies may elect to offer honors courses and National Industry Certification (NIC) courses. Local educational agencies electing to offer honors courses will ensure that the approved honors courses substantially exceed the content standards, learning expectations, and performance indicators as approved by the State Board of Education. Further, each local education agency offering honors courses will ensure that additional rigor is being provided by implementing the framework of standards for honors courses listed below:

1. Honors courses will substantially exceed the content standards, learning expectations, and performance indicators approved by the State Board of Education. Teachers of honors courses will model instructional approaches that facilitate maximum interchange of ideas among students: independent study, self-directed research and learning, and appropriate use of technology. All honors courses must include multiple assessments exemplifying coursework (such as short answer, constructed-response prompts, performance-based tasks, open-ended questions, essays, original or creative interpretations, authentic products, portfolios, and analytical writing). Additionally, an honors course shall include a minimum of five (5) of the following components:

   (i) Extended reading assignments that connect with the specified curriculum.

   (ii) Research-based writing assignments that address and extend the course curriculum.

   (iii) Projects that apply course curriculum to relevant or real-world situations. These may include oral presentations, power point, or other modes of sharing findings. Connection of the project to the community is encouraged.

   (iv) Open-ended investigations in which the student selects the questions and designs the research.

   (v) Writing assignments that demonstrate a variety of modes, purposes, and styles.

      (I) Examples of mode include narrative, descriptive, persuasive, expository, and expressive.

      (II) Examples of purpose include to inform, entertain, and persuade.

      (III) Examples of style include formal, informal, literary, analytical, and technical.

   (vi) Integration of appropriate technology into the course of study.

   (vii) Deeper exploration of the culture, values, and history of the discipline.

   (viii) Extensive opportunities for problem solving experiences through imagination, critical analysis, and application.

   (ix) Job shadowing experiences with presentations which connect class study to the world of work.

   All course types which meet the above framework will be classified as honors, eligible for additional percentage point weighting.

   Career and technical courses that offer a National Industry Certification through a

nationally recognized examination may be weighted by adding three (3) points to all grades used to calculate the semester average.

If honors courses and courses that offer National Industry Certification are offered, the local education agency shall annually approve the list of such courses. This list of National Industry Certification courses and of approved honors courses with a complete syllabus for each course shall be approved by the local education agency and made readily available to the public.

Each local education agency shall adopt policies for honors courses and career and technical courses that offer national industry certification that may allow for the addition of three (3) points to all grades used to calculate the semester average.

2. A statewide dual credit course is an existing high school course that incorporates postsecondary learning objectives and is aligned with an approved dual credit challenge exam. Students who pass these challenge exams will earn college credit accepted by all Tennessee public postsecondary institutions. Local education agencies must ensure all statewide dual credit courses incorporate the postsecondary learning objectives and that all students sit for the challenge exam. The courses must provide advanced learning opportunities for students. Local education agencies will also ensure that statewide dual credit teachers receive professional development and support to provide the rigorous level of instruction necessary for the courses.

3. Local education agencies may elect to offer Advanced Placement and International Baccalaureate courses. If Advanced Placement and International Baccalaureate courses are offered, the local education agency shall annually approve a list of such courses. This list of approved courses shall be made readily available to the public. Local education agencies will ensure that approved courses substantially incorporate the learning objectives and course descriptions as defined by the College Board or International Baccalaureate Agency.

   Each local education agency shall adopt policies for the approved Advanced Placement courses and International Baccalaureate courses that have end-of- course national examinations that may allow for the addition of five (5) points to all grades used to calculate semester averages. Only Advanced Placement and International Baccalaureate courses that have end-of-course national examinations qualify for the addition of five (5) points.

(f) In order to ensure fidelity to the Uniform Grading System in the calculation of the Grade Point Average (GPA) to be used in the determination of eligibility for the HOPE Scholarship, the following guidance is given for implementation by each Local Education Agency (LEA):

1. When determining the grade to be awarded, numerical averages with a decimal point of .5 or higher shall be rounded up to a whole number and a decimal point of .49 or lower shall not be rounded up. For example, a numerical average in a course of 92.50 shall be rounded up to a 93 and awarded an A for the GPA calculation. Further, a numerical average of 92.49 shall not be rounded up and awarded a 92 or B for the GPA calculation. This methodology shall apply to reporting period grades as well as semester and/or final average grades.

2. The addition of percentage points to weight honors courses, National Industry Certification, statewide dual credit courses, Advanced Placement courses, Cambridge and International Baccalaureate courses should be made at each reporting period as well as to any semester

exam or other grade used to determine the semester average. Do not add to the semester or final average since the points are already in the grade.

Example: An AP class where the semester average is calculated by adding each six weeks grade twice and adding the semester exam grade once and dividing by 7:

1st Six Weeks	2nd Six Weeks	3rd Six Weeks	Sem. Exam	Sem. Avg.
88 + 5 = 93	90 + 5 = 95	85 + 5 = 90	89 + 5 = 94	93

$$93 + 93 \quad + \quad 95 + 95 \quad + \quad 90 + 90 \quad + \quad 94 \quad = \quad 650$$

$$\text{Sem. Avg.} \quad = \quad \frac{650}{7} \quad = \quad 92.8 \quad = \quad 93 \quad = \quad A$$

3. Calculation of the uniform grading system GPA shall be on a 4.0 scale by assigning the following grade points: A = 4, B = 3, C = 2, D = 1 and F = 0. The GPA is the official method for calculating HOPE Scholarship eligibility, and shall be calculated by multiplying the quality points assigned to each course for the semester, trimester, or final course average (for the block schedule) by the credit available for each course and dividing by the total number of credits available. This calculation shall be based on grades at the end of any semester or trimester, not on a grade that spans the entire school year.

   This example represents a student's final average GPA based upon a six-period day with five year-long courses and two semester-long courses

   $$\text{GPA} = \frac{\text{Sum of Grade Points for Each Course}}{\text{Sum of Credits Available}} \text{ (per credit)}$$

   $$\text{GPA} = \frac{B+A+A+B+B+B+C}{1+1+1+1+1+.5+.5} = \frac{3(1)+4(1)+4(1)+3(1)+3(1)+3(.5)+2(.5)}{6}$$

   $$\text{GPA} = \frac{19.5}{6} = 3.25 \text{ GPA}$$

4. For purposes of the HOPE Scholarship Eligibility Grade Point Average, a student may repeat any failed course and the failing grade for the first attempt will not be considered in the HOPE Scholarship Eligibility Grade Point Average calculation. The grade of all repeats of the course shall be counted as part of the HOPE Scholarship Eligibility Grade Point Average. LEAs may allow students to replace failed course grades through credit recovery or similar programs without HOPE Scholarship Eligibility Grade Point Average penalty and is not to be considered a repeat.

5. The GPA shall be reported to the nearest 100th. The thousandth digit must be a 5 or higher to round up to the next hundredth. For example, a GPA of 3.296 would round up to 3.30. A GPA of 3.2949 would round down to 3.29.

6. The GPA used to determine eligibility for the HOPE Scholarship shall be reported on the student's transcript as "Hope Scholarship GPA."

7. The Department of Education will provide guidance for LEAs to insure this rule is implemented uniformly across Tennessee.

8. The Department of Education will monitor the calculation of the HOPE Scholarship GPA as part of the routine LEA audits.

Authority: T.C.A. § 49-1-302.

* 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				
Sloyan	X				
Tucker	X				
Student Member	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 07/25/2014, 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 2/19/15

Signature:

Name of Officer: Dr. Sara Heyburn

Title of Officer: Executive Director

PHYLLIS E. CHILDRESS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

MY COMMISSION EXPIRES: January 9, 2016

Subscribed and sworn to before me on: 2/23/15

Notary Public Signature: Phyllis E. Childress

My commission expires on:

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 H. Slatery III
Attorney General and Reporter

3/25/2015
Date

Department of State Use Only

Filed with the Department of State on: 4/6/15

Effective on: 7/5/15

Tre Hargett
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;

Public Chapter No. 679 directed the State Board of Education to establish a task force to make recommendations to the State Board by December 31, 2004, including, but not limited to the following:

A. Consistent numerical breaks for letter grades.
B. Considerations of standards to define an honors course.
C. Appropriate weighting of courses.
D. Determination of courses and weights to be used to calculate class rank.

The legislation also directed each school system to adopt and use the uniform grading scale to report student grades for the purpose of application for postsecondary financial assistance administered by the Tennessee Student Assistance Corporation.

The Task Force on the High School developed a recommendation to the State Board of Education for a uniform grading scale as well as standards for honors and advanced placement courses and weightings for courses.

The sunset audit for the Tennessee Student Assistance Corporation (TSAC) was conducted in 2013. The audit found that schools and districts were not consistent when calculating the grade point average. The audit also suggested that the State Board of Education provide additional clarifying language to improve the consistency of the calculation. Board staff and TSAC staff have collaborated along with the Tennessee Organization of School Superintendents (TOSS) and the Division of State Audit to develop the new language. The new clarifying language, Section (f), will immediately follow the existing language in the current rule. Additionally, the amendment allows for weighting of Statewide Dual Credit Courses.

(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.

(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;

Public School students, teachers, school administrators, guidance counselors, Tennessee Organization of School Superintendents (TOSS), Tennessee Student Assistance Corporation (TSAC). TOSS and TSAC are in agreement with the implementation 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;

N/A

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

Angela 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 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.

Feedback and input was received from representatives of the Tennessee Student Assistance Corporation (TSAC), Tennessee Organization of School Superintendents (TOSS) and the Division of State Audit.