

**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 Comment 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 COMMENT AT PUBLIC MEETINGS.

- (1) The purpose of this Rule is to set forth requirements for persons to provide a public comment at a State Board of Education ("State Board") meeting either in-person, or virtually if virtual participation is permitted in accordance with T.C.A. § 8-44-108. The 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 a matter germane to the items on the agenda for the meeting, as determined by the Chair, and;
 - (b) The person submits a request to the Executive Director of the State Board in writing via email or regular mail 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, phone number, the organization, agency or individual he/she will be representing (if applicable), and identify if the person requesting to comment is requesting an accommodation under the Americans with Disabilities Act ("ADA") in order to participate and the reason for the accommodation. The request shall also identify the meeting agenda item to which the comment is germane . to.
- (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) The number of public comments 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

(Rule 0520-09-01-.02, continued)

provide a public comment in compliance with all requirements set forth in paragraphs (1) and (2) of this Rule, the first ten (10) persons who submitted a request to the Executive Director shall be permitted to provide a comment at the meeting. However, the Chair shall have discretion to expand the number of public comments permitted at the meeting beyond ten (10), based on the circumstances.

- (c) At least twenty-four (24) hours prior to the meeting, the Executive Director shall notify person(s) whether or not they will be permitted to provide a public comment at the meeting. In the event a person who is permitted to comment requested an ADA accommodation as set forth in paragraph (1)(b) of this Rule, State Board staff will contact the person to discuss accommodations ahead of the meeting.
1. The limitation of ten (10) public comments per meeting as outlined in paragraph (2)(b) of this Rule does not apply to a person, organization, or agency (or their representative) who is requesting to provide a comment pertaining to an agenda item concerning approval or denial of an application submitted by the person, organization, or agency, or the taking of any action regarding the person, organization, or agency. This includes, but is not limited to, teacher license discipline actions, educator preparation provider approvals, approval or denial of an application that is required to be approved by the State Board, school district textbook and instructional materials waivers, and charter school authorizer evaluations,
- (3) The Executive Director shall notify all State Board members of persons who will be permitted to provide a public comment in accordance with this Rule, and the meeting agenda item that the comment pertains to.
 - (4) Persons who are permitted to provide a public comment in accordance with this Rule 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 extend the time to greater than three (3) minutes or to reduce the time to less than three (3) minutes based on the circumstances.
 - (5) All persons recognized by the Chair to provide a public comment shall confine their remarks to the topic pertaining 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 person's recognition.
 - (6) Persons recognized to provide a public comment 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 commenter without permission of the Chair.
 - (7) 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 requirement. Disruptive behavior includes, but is not limited to, continuing to comment after allotted time has expired or when not recognized by the Chair, violating the Rules of Order as outlined in this Rule, and any type of physical action or verbal utterance that disrupts the meeting in violation of T.C.A. § 39-17-306.
 - (8) 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.

(Rule 0520-09-01-.02, continued)

- (9) Nothing in this Rule is intended to limit the ability of any person to submit public comments in writing to State Board members ahead of a public meeting.

Authority: T.C.A. §§ 49-1-301, 49-1-302, 4-5-102, 8-44-108, 8-44-112, 39-17-306. **Administrative History:**