
Hearing Procedures and Public Meetings Rule 0520-09-01

The Background:

This item presents a revision to State Board rules chapter 0520-09-01 to rename the chapter and establish a new rule governing requests to speak at public meetings. The title of the chapter is amended from “Rules of Procedure for Hearing Contested Cases Before the State Board of Education” to “Hearing Procedures and Public Meetings.” A table of contents has also been added.

Revisions to rule section .01 add a title for the rule where one previously did not exist. The new title reads “Rules of Procedure for Hearing Contested Cases.” As this rule has not been amended since 1979, the citation to the Secretary of State rules that the Board has adopted is updated to the current citation and updated statutory citations are added to the authority section.

A new rule section .02 is created to outline requirements for the public to request to provide a comment at a State Board meeting. Currently the requirements for requests to speak at State Board meetings are outlined in State Board Meetings Policy 1.400. However, in compliance with recent court decisions, procedures for the public to provide comments at meetings are now required to be outlined in a rule rather than policy. Language from Board Meetings Policy 1.400 has been moved into this rule with the following additions/clarifications:

- Requests to speak are limited to meetings with actionable items on the meeting agenda, in alignment with T.C.A. § 8-44-112.
- Added a limitation of 10 speakers per State Board meeting, with certain exceptions.
- Provides examples of “disruptive” with regard to the prohibition on disruptive behavior.
- Clarifies that public comments are not permitted at disciplinary appeal hearings held by the Board in accordance with State Board rule 0520-02-03-.09 and the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, et seq. This is consistent with T.C.A. § 8-44-112, which exempts disciplinary hearings from the law requiring public bodies to permit public comment. Educators who are the subject of the discipline action are not included in this prohibition as they are a party to the appeal.

State Board staff held a rulemaking hearing on April 16, 2024, to collect public feedback. One public comment was submitted during the comment period. Additional edits were made based on feedback from State Board members at the February meeting and feedback from the Attorney General’s office. These edits include:

- Clarifying that the Rule governs requests to provide public comments at a State Board meeting, and does not affect the ability to submit written comments to State Board members ahead of a meeting.
- Removing an exemption to the 48-hour notice requirement for educators subject to license discipline.

- Expanding the list of persons/organizations who are exempt from the ten (10) comment limit to include any person, organization, or agency who is the subject of an action being taken by the Board. Examples were added to include teacher license discipline actions, educator preparation provider approvals, approval or denial of an application required to be approved by the board, etc.
- Allowing the Chair to expand the 10 comment limit based on the circumstances.
- Clarifying the process for requesting an ADA accommodation.
- Minor clarifying edits.

Connection to the [Master Plan](#):

This item supports the State Board's strategic focus on Engagement and Accountability outlined in the Master Plan by ensuring that the Board's rules are regularly reviewed to maintain consistency with recent legislation, and that all rules comply with existing law.

The Recommendation:

The State Board staff recommends approval of this item on final reading.