

# TAR

TENNESSEE ADMINISTRATIVE REGISTER



May 15, 2000  
Volume 26, Number 5

# TAAAR



**RILEY C. DARNELL**  
Secretary of State

Division of Publications  
James K. Polk State Office Building, Suite 1700  
Nashville TN 37243 - 0310

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Department of State, Authorization No. 305084, 540 copies, May 2000. This public document was promulgated at a cost of \$ 1.42 per copy.

## PREFACE

**The Tennessee Administrative Register (T.A.R)** is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

**Emergency Rules** are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

**Proposed Rules** are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

**Public Necessity Rules** are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

**Wildlife Proclamations** contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the official compilation-Rules and Regulations of the State of Tennessee.

**Subscription Orders** - The subscription rate, payable in advance, is \$ 50 per year. An order form may be found in the back of each issue of the *Tennessee Administrative Register*.

**Back Issues** - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

**Copies of Rules from Back Issues** of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

**Reproduction** - There are no restrictions on the reproduction of official documents appearing in the Tennessee Administrative Register.

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**NEW ADDRESS**

**Effective June 5, 2000, the Division of Publications will be located on the 8th floor of the William R. Snodgrass Tower. The new address is Department of State, Division of Publications, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tower, Nashville TN 37243-0310. Telephone numbers remain the same.**

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## **ANNOUNCEMENTS**

### **DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**

#### **ANNOUNCEMENT OF FORMULA RATE OF INTEREST**

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 13.00 per cent.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

### **DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**

#### **ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST**

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of June 2000 is 9.95 per cent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the published rate is 5.95 per cent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P. L. 96-221 as amended by P. L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

**GOVERNMENT OPERATIONS COMMITTEES****ANNOUNCEMENT OF PUBLIC HEARINGS**

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the month of April 2000. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-01	April 4, 2000	<b>0400</b> <b>Dept of Environment and Conservation</b> Bureau of TN State Parks	Rulemaking Hearing Rules	New Rule	0400-2-2-.32 State Paks Entrance Fees and Parking Fees	Kacey Bloom TN State Parks 14 <sup>th</sup> Fl L&C Twr 401 Church St Nashville TN 37243-0446 253-4222	June 18, 2000
04-02	April 11, 2000	<b>1200</b> <b>Dept of Health</b> Division of Health Care Facilities	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-24-5</i> <i>Review of Health Care Facility Construction Plans and Specifications</i> 1200-24-5-.01 Definitions 1200-24-5-.02 Submission of Plans 1200-24-5-.03 Fees 1200-24-5-.04 Approval of Plans 1200-24-5-.05 Inspection of Construction 1200-24-5-.06 Approval for Occupancy	Robbie Bell 26 <sup>th</sup> Fl, TN Twr Dept of Health Office of General Counsel 615-741-1611	June 25, 2000
04-03	April 11, 2000	<b>1050</b> <b>Bd of Osteopathic Examination</b>	Rulemaking Hearing Rules	New Rules Repeals	<i>Chapter 1050-2</i> <i>General Rules And Regulations Governing The Practice Of Osteopathy</i> 1050-2-.01 Definitions 1050-2-.02 Fees 1050-2-.03 Licensure Process 1050-2-.04 Training 1050-2-.05 Application Review, Approval, Denial Interviews and Conditioned, Restricted Examination 1050-2-.06 Licensure Renewal 1050-2-.07 Licensure Retirement and Reactivation 1050-2-.09 Officers, Consultants, Records Requirements 1050-2-.10 Licensure 1050-2-.11 Advertising 1050-2-.12 Continuing Education Requirements 1050-2-.13 Scope of Practice 1050-2-.14 Universal Precautions for the and Locum Tenens Licensure 1050-2-.15 The Utilization and Supervision of a Prevention of HIV Transmission 1050-2-.16 Consumer Right-To-Know Requirements 1050-2-.17 Telemedicine Licensure	John Fitzgerald OGC 26 th Fl Snodgrass Twr 312 8 <sup>th</sup> Ave N Nashville TN 37247-0120	June 25, 2000
04-04	April 11, 2000	<b>1050</b> <b>Bd of Osteopathic Examination</b>	Rulemaking Hearing Rules	Amendments	<i>Chapter 1050-2</i> <i>General Rules And Regulations Governing The Practice Of Osteopathy</i> 1050-2-.13 Scope of Practice	John Fitzgerald OGC 26 <sup>th</sup> Fl Snodgrass Twr 312 8 th Ave N Nashville Tn 37247	June 25, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-04	April 11, 2000	<b>1050 Bd of Osteopathic Examination</b>	Rulemaking Hearing Rules	Amendments	Chapter 1050-2 <i>General Rules And Regulations Governing The Practice Of Osteopathy</i> 1050-2-.13 Scope of Practice Chapter 1050-4-1 <i>General Rules Governing Osteopathic Medical Professional Corporations</i> 1050-4-1-.05 Requirements as to Form of Charter Corporate Charter	John Fitzgerald OGC 26 <sup>th</sup> Fl Snodgrass Twr 312 8 th Ave N Nashville Tn 37247	June 25, 2000
04-05	April 10, 2000	<b>1020 Board of Examiners for Nursing Home Administrators</b>	Rulemaking Hearing Rules	Amendments	Chapter 1020-1 <i>Rules of the TN State Board for Nursing Home Administrators</i> 1020-1-.12 Continuing Education 1020-1-.13 Licensure Retirement and Reactivation 1020-1-.15 Licensure Discipline, Civil Penalties and Informal Settlements 1020-1-.17 Consumer Right-To-Know Requirements	Robbie Bell 26 <sup>th</sup> Fl, TN Twr Dept of Health Office of General Counsel 615-741-1611	June 24, 2000
04-06	April 10, 2000	<b>0880 Board of Medical Examiners</b> The Committee on Physician Assistants	Rulemaking Hearing Rules	New Rules Amendments	Chapters 0880-2 <i>General Rules and Regulations Governing the Practice of Medicine</i> 0880-2-.18 Supervision of Physician Assistants 0880-2-.01 Definitions 0880-3 <i>General Rules and Regulations Governing the Practice of a Physician Assistant</i> 0880-3-.01 Definitions 0880-3-.02 Scope of Practice 0880-3-.10 ange of Services/Supervision 0880-3-.21 Prescription Writing	Robert J. Kraemer OGC Dept of Health 26th Fl Snodgrass Bldg 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	June 24, 2000
04-07	April 10, 2000	<b>0880 Board of Medical Examiners</b>	Rulemaking Hearing Rules		Chapter 0880-2 <i>General Rules and Regulations Governing the Practice of Medicine</i> 0880-2-.11 Officers, Records, Meeting Requests, Certificates of Fitness, Replacement Licenses, Advisory Rulings, Declaratory Orders and Screening Panels 0880-2-.12 Licensure Discipline, Civil Penalties and Informal Settlements	Robert J. Kraemer OGC Dept of Health 26th Fl Snodgrass Bldg 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	June 24, 2000
04-08	April 10, 2000	<b>1200 Dept of Health</b> Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	Chapter 1200-8-6 <i>Standards For Nursing Homes</i> 1200-8-6-.01 Definitions 1200-8-6-.05 Admissions, Discharges, and	Robbie H. Bell Dept of Health 26 <sup>th</sup> Fl Snodgrass Twr Nashville Tn 37243	June 24, 2000

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SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-08, cont.					Transfers	615-741-1611 Anita Van Tries Health Care Facilities 1 <sup>st</sup> Fl Cordell Hull Bldg 425 5 <sup>th</sup> Ave N Nashville Tn 37247-0508 615-741-2170	
04-09	April 10, 2000	<b>1200</b> <b>Dept Of Health</b> Policy Planning And Assurance Office Of Health Statistics And Research	Rulemaking Hearing Rules	New Rules	Chapter 1200-20-13 <i>Traumatic Brain Injury Registry</i> 1200-20-13-.01 Definitions 1200-20-13-.02 Required Data Elements 1200-20-13-.03 Submission Time Frame 1200-20-13-.04 Penalty Assessment 1200-20-13-.05 Processing and Verification 1200-20-13-.06 Register Maintenance 1200-20-13-.07 Data Availability 1200-20-13-.08 Confidential Information	Jerrold R. Daniels Cordell Hull Bldg 3 <sup>rd</sup> Fl 425 Fifth Ave N Nashville, TN 37247-0101 615-741-3111	June 24, 2000
04-10	April 17, 2000	<b>1020</b> <b>Board of Examiners</b> <b>for Nursing Home</b> <b>Administrators</b>	Rulemaking Hearing Rules	Amendments	<b>Chapter 1020-1</b> <b>Home of the TN State Board for Nursing</b> <b>Administrators</b> 1020-1-.03, Board Officers, Records, Meetings, and Consultants	Robbie H. Bell Dept of Health 26 <sup>th</sup> Fl Snodgrass Twr Nashville Tn 37243 615-741-1611	July 1, 2000
04-11	April 17, 2000	<b>1200</b> <b>Dept of Health</b> Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	Chapter 1200-8-27 <i>Standards for Home Care Organizations</i> <i>Providing Hospice Services</i> 1200-8-27-.01 Definitions 1200-8-27-.02 Licensing Procedures 1200-8-27-.03 Disciplinary Procedures 1200-8-27-.04 Administration 1200-8-27-.05 Admissions, Discharges and Transfers 1200-8-27-.06 Basic Agency Functions 1200-8-27-.07 Reserved 1200-8-27-.08 Reserved 1200-8-27-.09 Reserved 1200-8-27-.10 Infectious and Hazardous Waste 1200-8-27-.11 Records and Reports 1200-8-27-.12 Patient Rights 1200-8-27-.13 Procedures for the Withholding of Resuscitative Services 1200-8-27-.14 Disaster Preparedness	Robbie H. Bell Dept of Health 26 <sup>th</sup> Fl Snodgrass Twr Nashville Tn 37243 615-741-1611	July 1, 2000
04-12	April 17, 2000	<b>0400</b> <b>Dept of Environment</b> <b>and Conservation</b> Bureau of Environment Division of Air Pollution Control	Rulemaking Hearing Rules	Amendments	Chapter 1200-3-26 <i>Administrative Fees Schedule</i> 1200-3-26-.02 Construction and Annual Emission Fees	Mr. Ron Culberson Division of Air Pollution Control 9th Fl & C Annex 401 Church St Nashville, TN 37243-1531 (615)532-0561	July 1, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-13	April 17, 2000	<b>0400</b> <b>Dept of Environment and Conservation</b> Division of Solid Waste Management	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-7</i> <i>Solid Waste Processing and Disposal</i> 1200-1-7-.01 Solid Waste Disposal Control System	Glenn Birdwell Division of Solid Waste Management L & C Twr, 5th Fl 401 Church St Nashville, TN 37243 (615) 532-0788	July 1, 2000
04-14	April 17, 2000	<b>0400</b> <b>Dept of Health</b> Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-1</i> <i>Standards for Hospitals</i> 1200-8-1-.01 Definitions 1200-8-1-.05 Admissions, Discharges, and Transfers 1200-8-1-.07 Optional Hospital Services	Robbie H. Bell Dept of Health 26 <sup>th</sup> Fl Snodgrass Twr Nashville Tn 37243 615-741-1611	July 1, 2000
04-16	April 19, 2000	<b>1200</b> <b>Dept of Health</b> Bureau of Health Services	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-20-3</i> <i>Health Access Program</i> 1200-20-3-.01 Introduction 1200-20-3-.02 Definitions 1200-20-3-.03 Health Access Program 1200-20-3-.04 Health Access Incentive Grant Program 1200-20-3-.05 Restrictions on Eligibility 1200-20-3-.06 Designation of Rational Service Areas 1200-20-3-.07 Designation of Health Resource Shortage Areas for Primary Care, Obstetrics, Pediatrics, Dental Care, and TennCare 1200-20-3-.08 Procedure to Contest Denial of Application 1200-20-3-.09 Annual Funding Distribution	Jerry Daniels Dept of Health 3rd Fl, Cordell Hull Bldg 425 5th Ave, N Nashville, TN 37247-0101 (615) 741-3111	July 3, 2000
04-17	April 19, 2000	<b>1365</b> <b>Board Of Social Worker Certification And Licensure</b> Division Of Health Related Boards	Rulemaking Hearing Rules	Amendments	<i>Chapter 1365-1</i> <i>General Rules And Regulations</i> 1365-1-.12 Continuing Education	John Fitzgerald OGC Dept of Health 26th Fl Snodgrass Bldg 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	July 3, 2000
04-19	April 24, 2000	<b>1200</b> <b>Dept of Health</b> Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	<i>Chapter 1200-8-23</i> <i>Alcohol and Other Drugs of Abuse Residential Detoxification Treatment Facilities</i> 1200-8-23-.01 Definitions 1200-8-23-.02 Licensing Procedures 1200-8-23-.03 Disciplinary Procedures 1200-8-23-.04 Administration 1200-8-23-.05 Admissions, Discharges, and Transfers 1200-8-23-.06 Basic Services 1200-8-23-.07 Bldg Standards 1200-8-23-.08 Life Safety	Robbie H. Bell Office of General Counsel Dept of Health 26 <sup>th</sup> Fl, TN Twr 212 Eighth Ave N Nashville, TN 37247-0120 615-741-1611  Anita Van Tries Dept of Health Health Care Facilities 1st Fl, Cordell Hull Bldg	July 11, 2000

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04-19, cont.					1200-8-23-.09 Infectious and Hazardous Waste 1200-8-23-.10 Records and Reports 1200-8-23-.11 Client Rights 1200-8-23-.12 Procedures For the Withholding of Resuscitative Services 1200-8-23-.13 Disaster Preparedness	425 Fifth Ave N Nashville, TN 37247-0508 615-741-7586	
04-20	April 27, 2000	<b>1200</b> <b>Dept of Health</b> Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	Chapter 1200-8-17 <i>Alcohol and Other Drugs of Abuse Residential/Rehabilitation Treatment Facilities</i> 1200-8-17-.01 Definitions 1200-8-17-.02 Licensing Procedures 1200-8-17-.03 Disciplinary Procedures 1200-8-17-.04 Administration 1200-8-17-.05 Admissions, Discharges, and Transfers 1200-8-17-.06 Basic Services 1200-8-17-.07 Bldg Standards 1200-8-17-.08 Life Safety 1200-8-17-.09 Infectious and Hazardous Waste 1200-8-17-.10 Records and Reports 1200-8-17-.11 Client Rights 1200-8-17-.12 Procedures for the Withholding of Resuscitative Services 1200-8-17-.13 Disaster Preparedness 1200-8-9-.06 Alcohol and Other Drugs of Abuse Residential Treatment Facility Requirements	Robbie H. Bell Office of General Counsel Dept of Health 26 <sup>th</sup> Fl, TN Twr 212 Eighth Ave N Nashville, TN 37247-0120 615-741-1611  Anita Van Tries Dept of Health Health Care Facilities 1st Fl, Cordell Hull Bldg 425 Fifth Ave N Nashville, TN 37247-0508 615-741-7586	July 11, 2000
04-21	April 27, 2000	<b>1200</b> <b>Dept of Health</b> Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	1200-8-18-.01 Definitions 1200-8-18-.02 Licensing Procedures 1200-8-18-.03 Disciplinary Procedures 1200-8-18-.04 Administration 1200-8-18-.05 Admissions, Discharges, and Transfers 1200-8-18-.06 Basic Services 1200-8-18-.07 Bldg Standards 1200-8-18-.08 Life Safety 1200-8-18-.09 Infectious and Hazardous Waste 1200-8-18-.10 Records and Reports 1200-8-18-.11 Client Rights 1200-8-18-.12 Procedures for the withholding of Resuscitative Services 1200-8-18-.13 Disaster Preparedness 1200-8-9-.06 Alcohol and Other Drugs of Abuse Non-Residential Treatment Facility Requirements	Robbie H. Bell Office of General Counsel Dept of Health 7 <sup>th</sup> Fl, TN Twr 312 8 <sup>th</sup> Ave N Nashville, TN 37247-0120 615-741-1611	July 11, 2000
				Repeal			
				Repeal			

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-22.	April 27, 2000	<b>1200</b> <b>Dept of Health</b> Board For Licensing Health Care Facilities	Rulemaking Hearing Rules	New Rules	<p>Chapter 1200-8-15 Standards for Residential Hospices</p> <p>1200-8-15-.01 Definitions</p> <p>1200-8-15-.02 Licensing Procedures</p> <p>1200-8-15-.03 Disciplinary Procedures</p> <p>1200-8-15-.04 Administration</p> <p>1200-8-15-.05 Admissions, Discharges, and Transfers</p> <p>1200-8-15-.06 Basic Hospice Functions</p> <p>1200-8-15-.07 Reserved</p> <p>1200-8-15-.08 Bldg Standards</p> <p>1200-8-15-.09 Life Safety</p> <p>1200-8-15-.10 Infectious and Hazardous Waste</p> <p>1200-8-15-.11 Records and Reports</p> <p>1200-8-15-.12 Patient Rights</p> <p>1200-8-15-.13 Procedures for the Withholding of Resuscitative Services</p> <p>1200-8-15-.14 Disaster Preparedness</p> <p>1200-8-15-.14 Disaster Preparedness</p> <p>1200-8-15-.15 Standards for Residential Hospices</p>	<p>Robbie H. Bell Dept of Health Office of General Counsel 7<sup>th</sup> Fl, TN Twr 312 Eighth Ave N Nashville, TN 37247-1010 615-741-1611</p> <p>Anita Van Tries Dept of Health 1<sup>st</sup> Fl, Cordell Hull Bldg 425 Fifth Ave N Nashville, TN 37247-0508 615-741-758</p>	July 11, 2000
04-26	April 28, 2000	<b>1200</b> <b>Dept of Health</b> Bureau of Health Services	Rulemaking Hearing Rules	New rules	<p>Chapter 1200-20-11 Rules and Regulations Governing the State Conrad J-1 Visa Waiver Program</p> <p>1200-20-11-.01 Introduction</p> <p>1200-20-11-.02 Definitions</p> <p>1200-20-11-.03 Necessity of License and Professional Credentials</p> <p>1200-20-11-.04 Eligibility</p> <p>1200-20-11-.05 Application Review, Approval Denial</p> <p>1200-20-11-.06 Program Requirements</p> <p>1200-20-11-.07 Noncompliance</p> <p>1200-20-11-.08 Waiver of Responsibility</p> <p>Chapter 1200-20-11 Rules governing State Conrad J-1 Visa Waiver</p>	<p>Jerrod R. Daniels 425 5<sup>th</sup> Ave N, 3<sup>rd</sup> Fl Nashville, TN 37247 (615) 741-3111</p>	July 12, 2000
04-28	April 28, 2000	<b>0520</b> <b>Board of Education</b>	Proposed Rule	Amendment	<p>Chapter 0520-1-2 Administrative Rules and Regulations 0520-1-2-.16 Reporting Attendance Relative to Disciplinary Actions</p>	<p>Karen Weeks Board of Education 9<sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528</p>	August 28, 2000

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-29	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-1-3 Minimum Requirements for the Approval of Public Schools 0520-1-3-.06 (a) Graduation, Requirement E	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-30	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-1-3 Minimum Requirements for the Approval of Public Schools 0520-1-3-.06 (1)(e)8.(l) Graduation, Requirement E	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-31	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-1-3 Minimum Requirements for the Approval of Public Schools 0520-1-3-.06 (1)(e)12.(l) Graduation, Requirement E	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-32	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-1-3 Minimum Requirements for the Approval of Public Schools 0520-1-3-.06 (1)(f)3.(ii) Graduation, Requirement E	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-33	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-1-3 Minimum Requirements for the Approval of Public Schools 0520-1-3-.06 (1)(f)6 Graduation, Requirement E	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-34	April 28, 2000	0520 Board of Education	Proposed Rule	Amendment	Chapter 0520-2-1 Evaluations 0520-2-1-.02 Local Evaluations 0520-2-1-.03 Evaluation of Third Year Apprentice Educators	Karen Weeks Board of Education 9 <sup>th</sup> Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
04-35	April 28, 2000	<b>0520</b> <b>Board of Education</b>	Proposed Rule	Amendments	<i>Chapter 0520-1-3</i> <i>Minimum Requirements for the Approval of Public Schools</i> 0520-1-3-.05 State Curriculum, Requirement D	Karen Weeks Board of Education 9th Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-36	April 28, 2000	<b>0520</b> <b>Board of Education</b>	Proposed Rule	Amendments	<i>Chapter 0520-2-4</i> <i>Licensure</i> 0520-2-4-.01 General Information and Regulations 0520-2-4-.03 Interim License and Permit	Karen Weeks Board of Education 9th Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-37	April 28, 2000	<b>0520</b> <b>Board of Education</b>	Proposed Rule	Amendments	<i>Chapter 0520-2-4</i> <i>Licensure</i> 0520-2-4-.03 Interim License and Permit 0520-2-4-.10 Requirements for Endorsements, Grades K-12, on a Teacher License	Karen Weeks Board of Education 9th Fl, Andrew Johnson Twr 710 James Robertson Pkwy Nashville, TN, 37243-1050 615-532-3528	August 28, 2000
04-40	April 28, 2000	<b>1000</b> <b>Board of Nursing</b>	Rulemaking Hearing Rule	Amendments	<i>Chapter 1000-1</i> <i>Rules and Regulations of Registered Nurses</i> 1000-1-.04 Discipline of Licensees: Unauthorized Practice of Professiona; Nursing  <i>Chapter 1000-2</i> <i>Rules and Regulations of Licensed Practical Nurses</i> 1000-2-.04 Discipline of Licensees Unauthorized Practice of Professiona; Nursing	John Fitzgerald OGC 26 <sup>th</sup> Fl Snodgrass Twr 312 8 <sup>th</sup> Ave N Nashville TN 37247-0120 615-741-1611	August 28, 2000

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400**

**PETITION FOR DECLARATORY ORDER  
NOTICE OF HEARING**

Pursuant to *Tennessee Code Annotated Section 4-5-224*, the Tennessee Department of Environment and Conservation gives the following notice of hearing on a petition for declaratory order:

1. Petitioner's Name:  
  
Mike Dickson
2. Petitioner's Attorney: Carthel L. Smith, Jr.  
Address: 85 East Church St.  
Lexington, TN 38351  
Telephone number: (901)968-2561
3. Organization, if any, that the Petitioner represents:  
  
N/A
4. Summary of the relief requested:  
  
Petitioner requests a declaratory order from the Tennessee Petroleum Underground Storage Tank Board granting relief from the terms of an Agreed Order entered on April 22, 1998 pursuant to a settlement of his appeal of Commissioner's Order 95-0597; Docket No. 04-44-002042A.
5. Summary of the regulations that the agency is called upon to interpret or upon which it is to rule.  
  
N/A

A contested case hearing has been scheduled for June 21, 2000, at 9:30 a.m., before the Tennessee Petroleum Underground Storage Tank Board meeting at its regularly scheduled meeting in the conference room on the 17<sup>th</sup> Floor of the L & C Tower, 401 Church Street, Nashville Tennessee.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 24th day of April, 2000. (04-24)

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## **EMERGENCY RULES**

### **EMERGENCY RULES NOW IN EFFECT**

*(For the text of the Emergency rules see issue of T.A.R. cited)*

- 1200 - Department of Health - Division of Communicable and Environmental Disease Services - Emergency rules revising the list of notifiable diseases, chapter 1200-14-1 Communicable Diseases, 1200-14-1-.02 Notifiable Diseases, 1200-14-1-.03 Physicians Reports, 1200-14-1-.04 Health Officer's Report, 1200-14-1-.41 Reports of Sexually Transmitted Diseases. T.A.R. , volume 26, number 1 (January 2000). Filed December 14, 1999; effective through May 27, 2000. (12-12)

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## PROPOSED RULES

### STATE BOARD OF EDUCATION - 0520

#### CHAPTER 0520-1-2 ADMINISTRATIVE RULES AND REGULATIONS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to *T. C. A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the *Tennessee Administrative Register* in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

#### AMENDMENT

Amend Chapter 0520-1-2 Administrative Rules and Regulations by adding a new rule so that as amended the rule shall read:

#### **0520-1-2-.16 REPORTING ATTENDANCE RELATIVE TO DISCIPLINARY ACTIONS**

- (1) For the purposes of recording and coding student absences from school because of disciplinary actions, the following definitions shall apply:
  - (a) "Suspension" shall be defined as dismissal from attendance at school for any reason not more than ten (10) consecutive days. The student on suspension shall be included in ADM and will continue to be counted for funding purposes. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.
  - (b) "Remand" shall be defined as assignment to an alternative school. The student so assigned shall be included in ADA/ADM and will continue to be counted as present for funding purposes. The State Department of Education shall establish a set of codes to be used for reporting reasons for students on remand to an alternative school.

- (c) "Expulsion" shall be defined as removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion. The school district shall not be eligible to receive funding for an expelled student.
- (2) Students who qualify for services under the Individuals with Disabilities Education Act, 20 U.S.C 1400, et seq., and 34 C.F.R. 300 et seq., may be suspended, remanded, or expelled only within the provisions of said acts. Removals from school for students receiving services under the act shall not be applied in such a manner so as to constitute a pattern of exclusion of the student nor shall any change of placement occur absent the application of procedural safeguards as defined in the act.
- (3) The parents or legal guardians of students who are suspended or expelled in accordance with the provisions of *T.C.A. 49-6-3401* shall receive notices provided for therein.

*Authority:* *T.C.A. §49-1-302 and TCA § 49-6-3401.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-28)

## STATE BOARD OF EDUCATION - 0520

### CHAPTER 0520-1-3

#### MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENT**

Subparagraph (a) of paragraph (5) of Rule 0520-1-3-.05 State Curriculum, Requirement D is amended by deleting the following words in the first sentence:

“Pre-kindergarten programs operated by or through local boards of education and all approved”

and substituting the following words:

“All approved pre-kindergarten and”

**Authority:** *T.C.A. §49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-35)

**STATE BOARD OF EDUCATION - 0520****CHAPTER 0520-1-3****MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS**

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENT**

Subparagraph (a) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subparagraph in its entirety and substituting instead the following language so that as amended the subparagraph shall read:

- (a) High School Diploma, High School Certificate, and Special Education Diploma.
  - 1. The high school diploma will be awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.
  - 2. The high school certificate may be awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.
  - 3. The special education diploma will be awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

Subparagraph (b) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subparagraph in its entirety and substituting instead the following language so that as amended the subparagraph shall read:

- (b) High School Diploma.
  - 1. The following 20 units shall be required for graduation for students who enter the 9th grade in 1994-95 and thereafter; students shall complete the core curriculum plus either the university preparation curriculum or the technical preparation curriculum.

<u>Core Curriculum</u>	<u>Units</u>
English Language Arts .....	4
Mathematics* .....	3
Science** .....	3
Social Studies*** .....	3
Wellness .....	1
Total .....	14

- \* Students who enter 9th grade in 1994-95 and thereafter shall be required to achieve, by the time they graduate, at least one of the following: Algebra I, Math for Technology II, or Integrated Mathematics I.
- \*\* One of the three (3) science courses for students who enter 9<sup>th</sup> grade in 2001-2002 and thereafter must be Biology I.
- \*\*\* The social studies curriculum shall include United States history, world history/world geography, economics, and government.

<u>University Preparation Curriculum</u>	<u>Units</u>
Foreign Language .....	2
Fine Arts .....	1
Electives .....	<u>3</u>
Total .....	6

<u>Technical Preparation Curriculum</u>	<u>Units</u>
Program of study focusing on a particular technical area .....	4
Electives .....	<u>2</u>
Total .....	6

2. Students who have taken the equivalent of high school level courses may meet course requirements in accordance with local board of education policies permitting credit by examination.

Subparagraph (c) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subparagraph in its entirety and substituting instead the following language so that as amended the subparagraph shall read:

(c) Graduation with Honors.

1. Students who graduate with a high school diploma may graduate with honors if they complete the core curriculum and either the university preparation curriculum or the technical preparation curriculum. School systems may specify additional requirements, such as requiring students to demonstrate performance of distinction in one or more areas.
2. Students must achieve an overall grade point average of 3.0 or higher on a 4.0 scale.

Subparagraph (d) of paragraph (1) of rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subparagraph in its entirety and substituting the following language so that as amended the subparagraph shall read:

(d) Examinations.

1. Competency test. A competency test shall be administered to all high school students. Achieving minimum standards on all required subtests shall constitute one requirement for graduation with a high school diploma and graduation with honors. The test shall first be administered to students in the ninth grade. Students who fail to meet the minimum standards on any subtest shall be given the opportunity to be retested during any of the regularly scheduled administrations of the test. A student shall not be required to be retested on any subtest for which minimum standards on the competency test, proficiency test, or the competency/proficiency screening were previously achieved.
  - (i) Students must meet a minimum standard of 70% of the test items answered correctly on each of two subtests: one subtest to test competency in mathematics and one subtest to test competency in language arts.
  - (ii) Each local education agency shall provide research based academic interventions and require participation of students who have not met the minimum standard on either section of the

competency test. At least one intervention must be offered during the regular school day. All interventions shall be designed to meet the individual student's needs and shall be conducted by a teacher endorsed in the subject area.

- (iii) Any student who previously received a special education diploma or a high school certificate regardless of the date of issuance may, at any time during a regularly scheduled administration of the competency test, take the competency test and upon passing the test be awarded a high school diploma.
2. Gateway examinations. End-of-course examinations shall be administered to all high school students. Achieving minimum standards on three gateway examinations in Algebra I, Biology I, and English II shall constitute one requirement for graduation with a high school diploma and graduation with honors for students who enter the 9<sup>th</sup> grade in 2001-2002 and thereafter. Students who fail to meet the minimum standard on any gateway examination shall be given the opportunity to be retested during any of the regularly scheduled administrations of the examination. A student shall not be required to be retested on any gateway exam for which the minimum standard was previously achieved.
- (i) Students must meet minimum standards for the gateway examinations as determined by the State Board of Education in Algebra I, Biology I, and English II.
  - (ii) Course work should be structured and scheduled to ensure that all students are successful. However, each local education agency shall provide research based academic interventions and require participation of students who have not met the minimum standard on any gateway examination. At least one intervention must be offered during the regular school day. All interventions shall be designed to meet the individual student's needs, not simply repeating the course, and shall be conducted by a teacher endorsed in the subject area.
  - (iii) Any student who previously received a special education diploma or a high school certificate regardless of the date of issuance may, at any time during a regularly scheduled administration of the gateway examinations, take the gateway examinations and upon passing the exams be awarded a high school diploma.
  - (iv) Students who entered high school prior to or during the 2000-2001 school year may fulfill this requirement by meeting the minimum standards on the competency test until September 1, 2004, after which time the competency test will no longer be administered.
3. Exit examinations. Prior to graduation, all students shall take an exit examination to assess students' readiness for the workplace or higher education in accordance with the State Board of Education guidelines. No minimum score shall be required for this examination.

*Authority: T.C.A. §49-1-302 and TCA § 49-6-6001.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-2

**STATE BOARD OF EDUCATION - 0520****CHAPTER 0520-1-3  
MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS**

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENT**

Part 8 of subparagraph (e) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the part in its entirety and substitute the following language so that as amended the part shall read:

8. Mathematics<sup>1</sup>
  - (i) Traditional Mathematics Course Sequence
    - (I) Competency Mathematics<sup>2</sup>
    - (II) Foundations I, II<sup>3</sup>
    - (III) Mathematics for Technology I<sup>3</sup>
    - (IV) Algebra I<sup>4</sup>
    - (V) Mathematics for Technology II<sup>4</sup>
    - (VI) Algebra II<sup>5</sup>
    - (VII) Geometry<sup>5</sup>
    - (VIII) Advanced Algebra and Trigonometry
    - (IX) Statistics
    - (X) Discrete Mathematics with Statistics & Probability
    - (XI) PreCalculus
    - (XII) Calculus
  - (ii) Integrated Mathematics Course Sequence
    - (I) Competency Mathematics<sup>2</sup>
    - (II) Foundations I, II<sup>3</sup>
    - (III) Mathematics for Technology I<sup>3</sup>
    - (IV) Integrated Mathematics I<sup>4</sup>

- (V) Mathematics for Technology II<sup>4</sup>
- (VI) Integrated Mathematics II<sup>5</sup>
- (VII) Integrated Mathematics III<sup>5</sup>
- (VIII) Advanced Algebra and Trigonometry
- (IX) Statistics
- (X) Discrete Mathematics with Statistics & Probability
- (XI) PreCalculus
- (XII) Calculus

- <sup>1</sup> All students must earn three credits in high school mathematics.
- <sup>2</sup> Competency Mathematics is a review of the K-8 mathematics content. No mathematics credit may be awarded; however, elective credit may be awarded.
- <sup>3</sup> Students may receive a maximum of two mathematics credits for courses in Foundations I, Foundations II, and Mathematics for Technology I.
- <sup>4</sup> In order to fulfill the mathematics requirement for graduation, students must earn credit in one of the following: Algebra I, Mathematics for Technology II, or Integrated Mathematics I. Students may receive mathematics credit in only one of the three courses.
- <sup>5</sup> Students in the university preparation curriculum must earn two credits in Algebra II, Geometry, or other advanced mathematics course or they must earn two credits in Integrated Mathematics II and Integrated Mathematics III.

**Authority:** T.C.A. §49-1-302.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-30)

**STATE BOARD OF EDUCATION - 0520****CHAPTER 0520-1-3  
MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS**

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to *T. C. A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the *Tennessee Administrative Register* in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENTS**

Subpart (ii) of part 3 of subparagraph (f) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subpart in its entirety and substituting the following language so that as amended the subpart shall read:

- (ii) Occupational Education
  - (I) Career Exploration in Family and Consumer Sciences
  - (II) Foundations of the Hospitality Industry
  - (III) Culinary Arts I, II, III
  - (IV) Institutional and Home Service Careers
  - (V) Careers with Children
  - (VI) Fashion and Fabric Careers
  - (VII) Institutional and Home Services Careers

Subpart (viii) of part 8 of subparagraph (f) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the subpart in its entirety and substituting the following language so that as amended the subpart shall read:

- (viii) Consumer Service Industry Technology
  - Building Maintenance Service
  - Upholstery

Part 8 of subparagraph (f) of paragraph (1) of Rule 0520-1-3.06 Graduation, Requirement E is amended by adding a new subpart (xii) so that as amended the new subpart shall read:

- (xii) Hospitality and Tourism
  - Foundations of the Hospitality Industry
  - Culinary Arts, I, II, III

*Authority:* T.C.A. §49-1-302.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-32)

## STATE BOARD OF EDUCATION - 0520

### CHAPTER 0520-1-3

#### MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

#### AMENDMENT

Subparagraph (e) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by adding the following language as part 12 so that as amended the rule shall read:

- 12. Service Learning
  - (i) Success Skills for Service Learning

**Authority:** *T.C.A. §49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-31)

## STATE BOARD OF EDUCATION - 0520

### CHAPTER 0520-1-3 MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

#### AMENDMENT

Part 6 of subparagraph (f) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the part in its entirety and substituting the following language so that as amended the part shall read:

6. Technology Education
  - (i) Innovations and Inventions
  - (ii) Diversified Technology I
  - (iii) Diversified Technology II

**Authority:** *T.C.A. § 49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-33)

## STATE BOARD OF EDUCATION - 0520

### CHAPTER 0520-2-4 LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to *T. C. A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the *Tennessee Administrative Register* in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

### AMENDMENTS

Paragraph (5) of Rule 0520-2-4-.01 General Information and Regulations is amended by deleting paragraph (5) in its entirety and substituting the following language so that as amended the paragraph shall read:

- (5) Correspondence and Extension Credit. Credit earned by correspondence and extension instruction with a member of the National University Extension Association or the Teacher College Association for Extension and Field Services shall be accepted for licensure purposes to the extent of one fourth of the amount of credit necessary for the particular license desired.

Subparagraph (b) of paragraph (8) of Rule 0520-2-4-.01 General Information and Regulations is amended by deleting subparagraph (b) in its entirety and substituting the following language so that as amended the subparagraph shall read:

- (b) Degree or credit from an institution accredited by a regional accrediting association but not approved for teacher education will be accepted.

Rule 0520-2-4-.01 General Information and Regulations is amended by adding the following as paragraph (17) so that as amended the paragraph shall read:

- (17) Issuance of licenses or permits to individuals holding advanced degrees. Individuals who hold advanced degrees that are not acceptable for salary purposes from an institution that is regionally accredited but who lack a bachelor's degree may be issued a license or permit at the bachelor's level.

Part 3 of subparagraph (a) of paragraph (1) of Rule 0520-2-4-.03 Interim License and Permit is amended by deleting part 3 in its entirety and substituting the following language so that as amended the part shall read:

3. An individual may be reissued an Interim A license not more than two times provided that a superintendent/director of schools states intent to employ. Before the first renewal, the individual must be enrolled in an institution with an approved program of studies. For each renewal, the individual must complete at least 6 semester hours of credit, unless all course requirements have been met.

**Authority:** *T.C.A. §49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-36)

## STATE BOARD OF EDUCATION - 0520

### CHAPTER 0520-2-4 LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENTS**

Part 4 of subparagraph (c) of paragraph (1) of Rule 0520-2-4-.03 Interim License and Permit is amended by deleting the part in its entirety and substituting the following language so that as amended the part shall read:

4. Applicants are eligible to participate in programs for alternative preparation for licensure using the Interim C license in all areas except early childhood education (PreK-4).

Paragraph (3) of Rule 0520-2-4-.10 Requirements for Endorsements, Grades K-12, on a Teacher License is amended by deleting the paragraph in its entirety and reserving the paragraph.

**Authority:** *T.C.A. §49-1-302.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-37)

**STATE BOARD OF EDUCATION - 0520****CHAPTER 0520-2-1  
EVALUATIONS**

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to *T. C. A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the *Tennessee Administrative Register* in which the proposed rules are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, James K. Polk State Office Building, Fifth Floor, Sixth and Deaderick Street, Nashville, Tennessee 37219-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed rule is as follows:

**AMENDMENTS**

Paragraph (1) of Rule 0520-2-1-.02 Local Evaluations is amended by adding the following language as subparagraph (d) so that as amended the rule shall read:

- (d) Training of Evaluators. Anyone conducting an evaluation must complete a training process approved by the Department of Education. The approved training process must be conducted by a trainer certified by the Department of Education.

Rule 0520-2-1-.03 Evaluation of Third Year Apprentice Educators is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

- (1) The local school system shall provide for the annual evaluation of all educators holding the apprentice teacher license, the apprentice occupational education license, the apprentice special groups license or the apprentice out-of-state license. The evaluation shall be conducted using the Framework for Evaluation and Professional Growth or a comparable model approved by the State Board of Education.
- (2) The local school system shall complete the evaluation of apprentice license holders who are in the final year of validity of that license and shall report the results of those evaluations to the appropriate State Department of Education District Office no later than March 15.
- (3) The evaluations by local education agencies provided for in this section shall be subject to review by the Commissioner of Education.

**Authority:** *T.C.A. §§49-1-302 and 49-5-5205.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of April, 2000, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of August, 2000. (04-34)

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## **PUBLIC NECESSITY RULES**

### **PUBLIC NECESSITY RULES NOW IN EFFECT**

*(For the text of the Public Necessity rules see issue of T.A.R. cited)*

- 1220 - Department of Health - Nutrition Services Section - Public necessity rules dealing with merchant sanctions, civil money penalties in lieu of disqualification, issuance of State sanctions on merchants for reasons of program abuse, training of staff in the Program's fourteen regional offices, informing merchants and handling amendment of their contracts with the Department, chapter 1200-15-2 Special Supplemental Nutrition Program for women, Infants and Children, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-29)
- 1220 - Tennessee Regulatory Authority - Consumer Services Division - Public necessity rules establishing a database of residential telephone subscribers who object to receiving telephone solicitations and the underlying program to service and enforce such a database, chapter 1220-4-11 Telephone Solicitation Regulations - Do Not Call Register, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-31)

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## RULEMAKING HEARINGS

### TENNESSEE AUCTIONEER COMMISSION - 0160

There will be a hearing before the Department of Commerce and Insurance to consider the promulgation of new rules pursuant to *Tennessee Code Annotated 62-19-106*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act. *Tennessee Code Annotated, Section 4-5-204* and will take place in Room 160 of the Davy Crockett Tower, located at 500 James Robertson Parkway, Nashville, Tennessee at 9 a.m. on the 21<sup>st</sup> day of June, 2000.

Any individuals with disabilities who wish to participate in these proceedings should contact the Department of Commerce & Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, June 21, 2000, to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Commerce and Insurance's ADA Coordinator at 500 James Robertson Parkway, Nashville, Tennessee (615) 741-6500.

For a copy of this notice of rulemaking hearing, contact: Lynn McGill, Administrative Director, Tennessee Auctioneer Commission, 500 James Robertson Parkway, Nashville, Tennessee 37243 (615)741-3600.

### SUBSTANCE OF PROPOSED RULES

#### CHAPTER 0160-1 REGULATIONS OF AUCTIONEERS

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0160-1-.18	Electronic Information Media Auction License Requirement	0160-1-.23	Renewal of License
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#### 0160-1-.16 NON-AUCTIONEER FIRM LICENSE APPLICATION

- (1) Upon application to the Commission for an auction firm license by any business entity including corporate and partnership firms not engaged in the auction business as the firm's principal business, applicant must designate a firm member as a responsible managing auction firm license holder who must complete a thirty (30) hour course of Commission-approved education, and pass a firm exam to obtain an auction firm license. Additionally, all company locations involved in auction sales must have at least one (1) licensed auctioneer to conduct and call auctions for the firm.

**Authority:** *T.C.A. §§62-19-102 and 62-19-106.*

**0160-1-.17 CHARITY AUCTION EXEMPTION**

- (1) In order for an auction conducted on behalf of a political party, church, or charitable corporation or association, to be exempt from the licensing requirements pursuant to Tennessee Code Annotated, Section 62-19-103(4), any person providing auctioneering services shall not be compensated, and 100% of the gross proceeds of such sale shall be donated to such charity.
- (2) Any organization registered with the Secretary of State as a charitable corporation as required by Tennessee Code Annotated, Section 48-101-504(a), or exempt from the registration requirement pursuant to Tennessee Code Annotated, Section 48-101-502, or any organization granted an exemption from taxation pursuant to the provisions of 26 U.S.C., Section 501(c)(3) of the Internal Revenue Code shall be considered a charitable corporation or association for the purpose of Tennessee Code Annotated, Section 62-19-103(4).

**Authority:** *T.C.A. §§62-19-102, 62-19-103, and 62-19-106.*

**0160-1-.18 ELECTRONIC INFORMATION MEDIA AUCTION LICENSE REQUIREMENT**

- (1) Any electronic media or computer-generated auction from within Tennessee is required to conform to the Tennessee Auctioneer License Law and Regulations pursuant to Tennessee Code Annotated, Title 62, Chapter 19 et seq.

**Authority:** *T.C.A. §§62-19-102 and 62-19-106.*

**0160-1-.19 GALLERY LICENSE.**

- (1) The owner of a gallery shall be at least eighteen (18) years of age, complete thirty (30) hours of Commission-approved education, pass the gallery examination, pay the required fee and shall provide such other information concerning ethical consideration and competency as the Commission may require.

**Authority:** *T.C.A. §§62-19-106 and 62-19-125.*

**0160-1-.20 Types of Auctions Defined.**

- (1) Absolute auction – (also referred to as auction without reserve) – an auction in which property put up for sale is sold to the highest bidder, where the seller may not withdraw the property from the auction after the auctioneer calls for bids unless no bid is made in a reasonable time, where the seller may not bid himself or through an agent, and where the seller will deliver clear title.
- (2) Auction with reserve – an auction in which the seller or his agent reserves the right to establish a minimum bid, to accept or reject any and all bids and to withdraw the property at any time prior to the completion of the sale by the auctioneer.

**Authority:** *T.C.A. §§62-19-101 and 62-19-106*

**0160-1-.21 ADVERTISING GUIDELINES**

- (1) When advertising auctions without reserve or absolute auction and auctions with reserve or a minimum bid (sometimes referred to as “auction” or “at auction”) in the same advertisement, the labels describing the above categories shall be utilized and such labels shall be in the same typeface, font size, and receive equal billing in all advertising.

- (2) Any advertising in any form of the media that is designed to give notice that a firm or gallery is in the auction business or to give notice of an upcoming auction shall include the name and license number of the auction firm or gallery.
- (3) False, deceptive, misleading and untruthful advertising is expressly prohibited. Any advertisement or advertising shall be deemed to be false, deceptive, misleading or untruthful, if it:
  - (a) Contains misrepresentation of fact(s);
  - (b) Is misleading or deceptive because in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts;
  - (c) Creates false or unjustified exceptions of the services to be performed;
  - (d) Contains any representation or claim which the advertising licensee fails to perform.
  - (e) Advertises any auction using such descriptive words as “Urgent”, “Emergency”, “Distress” or any other word which connotes liquidation of assets or that the buyers will, for some extraordinary reason, be in a position to reap some unusual bargain without specifically disclosing, in the written advertisement in a print size equal to the descriptive word, the reason that the sale is “urgent”, the nature of the “emergency” or the cause of the “distress”, etc.
  - (f) Advertises any auction using such descriptive words as “Seized”, “Confiscated”, “Forfeited” or any other word which connotes a governmental action whereby items are seized or taken by a government department, agency or commission and released or sold or that the buyers will, for some governmental reason, be in a position to reap some unusual bargain without specifically disclosing, in the written advertisement in a print size equal to the descriptive word, the exact nature of the governmental action.
  - (g) Advertises any item as being from an “Estate” or a “Bankruptcy”, or from an “Urgent”, “Emergency”, “Distress”, “Seized”, “Confiscated”, “Forfeited” or similar sale, unless the consignor of the item(s) to be sold is the original owner of the item(s), the designated representative of the owner, or a federal, state or local department, agency or commission charged with disposing of the item(s), and consigned the item(s) directly to the advertised sale.
  - (h) Fails to contain the bankruptcy court case number assigned by the court of jurisdiction for such action in any auction advertising that utilizes the term “Bankruptcy”.
  - (i) Advertises for sale items that the auctioneer or firm does not intend to offer for sale at the advertised auction.
  - (j) Permits its name or license number to appear on any advertisement for an auction without insuring its compliance with applicable Auctioneer Law and Rules.

**Authority:** T.C.A. §§62-19-106 and 62-19-118.

#### **0160-1-.22 DISCLOSURE OF BUYER'S PREMIUM**

- (1) Auctioneers shall disclose and describe in any advertising, and verbally before any auction begins if a “buyer’s premium” is in effect therein.

**Authority:** T.C.A. §§62-19-106 and 62-19-118.

**0160-1-.23 RENEWAL OF LICENSE**

- (1) All licensees applying to renew their license(s) within two (2) months after the expiration date thereof, shall pay in addition to the required renewal fees, a penalty of fifty dollars (\$50.00) and reapply for licensure.
- (2) All licensees applying to renew their license(s) more than two (2) months after the expiration date thereof, but less than six (6) months, shall pay a penalty of one hundred and fifty dollars (\$150.00) and reapply for licensure.
- (3) All licensees applying to renew their license(s) more than six (6) months after the expiration date thereof, but less than two (2) years, shall pay a penalty of two hundred dollars (\$200.00) and reapply for licensure.
- (4) Upon reapplication of licensure, the applicant may be directed to:
  - (a) Meet all or part of the statutorily prescribed educational and experience prerequisites,
  - (b) Pay the current application fee,
  - (c) Pay the current examination fee, and take and pass the relevant examination,
  - (d) Pay the current Education and Recovery Account fee.
- (5) Upon written submission, showing good cause by a delinquent licensee, the Commission, by a majority vote, may waive any or all of the above penalties and/or requirements.
- (6) In addition to all of the above or in lieu thereof, a licensee delinquent for more than two (2) months may be subject to such other reasonable conditions as the Commission may prescribe.
- (7) All licensees delinquent in the renewal of their license(s) for two (2) years or more must reapply and satisfy all prerequisites for obtaining the type of license for which they are applying.
- (8) The commission shall retain discretion in its application of this rule.

**Authority:** *T.C.A. §§62-19-106 and 62-19-111.*

**0160-1-.24 RETIREMENT OF LICENSE**

- (1) Upon written request accompanied by the license, pocket card and a fee that is identical to the renewal fee for such license, except that no contribution to the Education and Recovery
- (2) Account is required, any auctioneer or apprentice auctioneer may temporarily retire such license. The period of retirement for licenses shall be two (2) years.
- (3) All licensees applying to retire their license(s) within two (2) months after the expiration date thereof, shall pay in addition to the required retirement fees, a penalty of fifty dollars (\$50.00).
- (4) All licensees applying to retire their license(s) more than two (2) months after the expiration date thereof, but less than six (6) months, shall pay a penalty of one hundred and fifty dollars (\$150.00) in addition to their retirement fee.
- (5) All licensees applying to retire their license(s) more than six (6) months after the expiration date thereof, but less than two (2) years, shall pay a penalty of two hundred dollars (\$200.00) in addition to their retirement fee.

- (6) Upon reapplication of licensure, the applicant may be directed to:
  - (a) Meet all or part of the statutorily prescribed educational and experience prerequisites,
  - (b) Pay the current application fee,
  - (c) Pay the current examination fee, and take and pass the relevant examination,
  - (d) Pay the current Education and Recovery Account fee.
- (6) Upon written submission, showing good cause by a delinquent licensee, the Commission, by a majority vote, may waive any or all of the above penalties and/or requirements.
- (7) In addition to all of the above or in lieu thereof, a licensee delinquent for more than two (2) months may be subject to such other reasonable conditions as the Commission may prescribe.
- (8) All licensees delinquent in the retirement of their license(s) for two (2) years or more must reapply and satisfy all prerequisites for obtaining the type of license for which they are applying.
- (9) The commission shall retain discretion in its application of this rule.

**Authority:** T.C.A. §§62-19-106 and 62-19-112(d)

#### **0160-1-.25 NOTIFICATION OF CHANGE OF STATUS**

- (1) A licensee shall immediately notify the commission in writing of any change in status. This includes such information as business address and escrow account information.
- (2) Notification shall be immediate and in writing, however, it shall be no later than two (2) months after the effective date of such change in status.

#### **AMENDMENTS**

Rule 0160-1-.05 Publication of Name is amended by adding new paragraphs (3), (4), and (5), so that, as amended the paragraphs shall read:

- (3) Any name other than a licensed firm name used in a logo, trademark, or other graphical representation, must be separately licensed.
- (4) Any auctioneer working in conjunction with a licensed Tennessee auction firm may list their name in print of equal size or smaller in any auction advertisement.
- (5) An auction firm working in conjunction with a licensed Tennessee Real Estate Broker, or any other entity, including but not limited to livestock sales management firms, shall list their firm name and license number in any auction advertisement.

**Authority:** T.C.A. §62-19-106.

Rule 0160-1-.07 Punishment for Conviction is amended by deleting the rule in its entirety.

Rule 0160-1-.11 Civil Penalties is amended by deleting paragraph (1) and instead substituting the following language:

- (1) The Commission may, in a lawful proceeding respecting licensing (as defined in the Uniform Administration Procedures Act), in addition to, or in lieu of any other lawful disciplinary action, assess civil penalties for violations of statutes, rules, or orders enforceable by the Commission in accordance with the following schedule:

VIOLATION	PENALTY
T.C.A. § 62-19-112(b) (Obtaining license by false or fraudulent representations)	0-\$10,000
T.C.A. § 62-19-112 (b) (1)	0-\$10,000
T.C.A. § 62-19-112 (b) (2)	0-\$10,000
T.C.A. § 62-19-112 (b) (3)	0-\$10,000
T.C.A. § 62-19-112 (b) (4)	0-\$10,000
T.C.A. § 62-19-112 (b) (5)	0-\$10,000
T.C.A. § 62-19-112 (b) (6)	0-\$10,000
T.C.A. § 62-19-112 (b) (7)	0-\$10,000
T.C.A. § 62-19-112 (b) (8)	0-\$10,000
T.C.A. § 62-19-112 (b) (9)	0-\$10,000
T.C.A. § 62-19-112 (b) (10)	0-\$10,000
T.C.A. § 62-19-112 (b) (11)	0-\$10,000
T.C.A. § 62-19-112 (b) (12)	0-\$10,000
T.C.A. § 62-19-112 (b) (13)	0-\$10,000

**Authority:** T.C.A. §62-19-106.

Rule 0160-1-.12 Apprentice License Limitations is amended by adding the following as appropriately designated subsections:

- (1) An apprentice license is restricted as follows:
- (a) You may not execute a contract to conduct an auction without the approval of your sponsor noted on the document; however, you may sign a contract as an apprentice to show that you procured the client and the auction.
  - (b) All money received at an auction must be accounted for and dispersed by the sponsoring auctioneer. You may take part in the closing and settlement proceedings, but you may not sign a closing statement or have an escrow or trust account in your name as a depository for auction proceeds.
  - (c) You may not call bids at an auction without the presence of your sponsor. Your sponsor is responsible for all of your activities and therefore must be present to monitor your actions in progress.
- (2) All apprentices must provide the Tennessee Auctioneer Commission with sufficient proof that he/she has been active during their apprenticeship. Each apprentice shall use a log as means to keep track of their experience during the two (2) year apprenticeship period. The log should be completed and submitted at the conclusion of their apprenticeship along with their application for an auctioneer's license.

- (a) **Points:** An auction is divided into eight (8) parts. Each part has a point value assigned to it. If you perform any of the activities listed on the Point System Chart following these instructions, you may include them on your log and acquire the corresponding points. You should acquire a total of at least 1,000 points during your two (2) year apprenticeship in order to be eligible for an auctioneer license. This is the substantial equivalent of working five (5) auctions from beginning to end.
- (b) **Sponsor’s Signature:** The sponsoring auctioneer should acknowledge each activity on your log by signing and dating in the appropriate space after each entry of activity.
- (c) **Accumulating Points:** The apprentice should make every effort to log experience in all phases of the auction business. The apprentice shall not submit a log with all of your experience concentrated in fewer than four (4) parts. The purpose of the log is to indicate to the Commission that you have been fully exposed to the auction business and have participated in as many areas of the auction process as possible.

(3) POINT SYSTEM CHART

ACTIVITY	DESCRIPTION	# ofPOINTS
CONTRACT	Complete and execute a contract with seller.	20
ADVERTISING	Write inventory/create newspaper ad/erect signs.	20
SALE PREPARATION	Prepare inventory for auction or set up auction equipment.	20
BIDCALLING	Call bids at an auction.	60
BID ASSISTANT/ WORKING RING	Work ring at an auction for at least one (1) hour.	40
CLERKING/ CASHIERING	Clerk at least 30% of an auction or collect money for at least 30% of an auction.	20
CLOSING	Participate in balancing auction proceeds and assist in preparation of closing statement.	20
	<b>TOTAL POINTS</b>	<b>200</b>

**Authority:** T.C.A. §§62-19-106 and 62-19-111.

Rule 0160-1-14 Fees is amended by deleting the rule in its entirety, so that, as amended the rule shall read:

- (1) The application for all licenses shall be accompanied by a non-refundable application fee of twenty-five dollars (\$25.00) and a non-refundable examination fee as set by contract with the Tennessee Auctioneer Commission license examination administrator.
- (2) The Commission shall issue to qualified applicants a license and pocket card upon receipt of the appropriate fee as follows:

Auctioneer.....	one hundred and fifty dollars (\$150.00)
Apprentice Auctioneer.....	one hundred dollars (\$100.00)
Principal Office Firm License.....	one hundred dollars (\$100.00)
Gallery License.....	one hundred dollars (\$100.00)
Branch Office Firm License.....	fifty dollars (\$50.00)

This fee schedule shall also apply to the renewal of licenses.

- (3) Any applicant who fails an examination must pay a fee as set by contract with the Tennessee Auctioneer Commission license examination administrator.
- (4) The fee for the re-issuance of a new license and pocket card shall be thirty-five dollars (\$35.00).
- (5) All persons, upon initial licensure and subsequent renewal thereof, shall pay fifty dollars (\$50.00) into the Education and Recovery Account.

**Authority:** *T.C.A. §62-19-106.*

Rule 0160-1-.15 Non-resident Auctioneer is amended by deleting the section in its entirety and by adding the following new paragraphs:

- (1) Should a nonresident auctioneer or auction firm licensed through reciprocity with Tennessee have its license revoked due to administrative action in the reciprocal state, the Commission upon proof of such revocation shall initiate revocation of the nonresident license in Tennessee.
- (2) All applications for a nonresident auction firm license shall be accompanied by a certificate from a bank that includes the name and address of the bank, the account number of the nonresident auction firm escrow account and the signature and title of the bank officer issuing the certification. The certificate shall also include the signature of the auction firm owner that authorizes the Tennessee Auctioneer Commission, or its agents, to audit the escrow account.

**Authority:** *T.C.A. §62-19-106.*

The notice of rulemaking set out herein was properly filed in the Department of the State on the 27th day of April, 2000. (04-25)

**BOARD FOR PROFESSIONAL COUNSELORS, MARITAL AND FAMILY THERAPISTS,  
AND CLINICAL PASTORAL THERAPISTS - 0450**

There will be a hearing before the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 63-22-102*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 15<sup>th</sup> day of June, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

**SUBSTANCE OF PROPOSED RULES**

**AMENDMENTS**

Rule 0450-1-.06, Fees, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

(4) Fee Schedule:	Amount
(a) Certified Professional Counselor	
1. Replacement Certificate	\$ 25.00
2. Endorsement/Verification	20.00
3. Late Renewal	100.00
4. Renewal (Biennial)	200.00
5. State Regulatory (Biennial)	10.00
6. Upgrade Review	100.00
(b) Certified Associate Counselor	
Upgrade Review	\$100.00

(c) Licensed Professional Counselor (with or without Mental Health Service Provider)		
1.	Application	\$260.00
2.	Replacement License	25.00
3.	Endorsement/Verification	20.00
4.	Late Renewal	100.00
5.	Renewal (Biennial)	200.00
6.	State Regulatory (Biennial)	10.00
7.	Temporary License	200.00
(d) Mental Health Service Provider Upgrade		
	Application	\$100.00

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-1-118, 63-22-102, 63-22-104, 63-22-108, and 63-22-121.

Rule 0450-1-.07, Application Review, Approval, Denial, Interviews, is amended by deleting paragraph (8) in its entirety and substituting instead the following language, so that as amended, the new paragraph (8) shall read:

- (8) Whenever requirements for licensure are not completed within six (6) months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. Upon the applicant’s failure to appear for a scheduled oral examination without appropriate notification, the board may, in its discretion, consider the application file closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-104, 63-22-107, and 63-22-110.

Rule 0450-2-.06, Fees, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

(4) Fee Schedule:	Amount	
(a) Certified Marital and Family Therapist		
1.	Replacement Certification	\$25.00
2.	Endorsement/Verification	20.00
3.	Late Renewal	100.00
4.	Renewal (Biennial)	200.00

5.	State Regulatory (Biennial)	10.00
6.	Upgrade Review	100.00
 (b) Licensed Marital and Family Therapist		
1.	Application	\$260.00
2.	Replacement License	25.00
3.	Endorsement/Verification	20.00
4.	Late Renewal	100.00
5.	Renewal (Biennial)	200.00
6.	State Regulatory (Biennial)	10.00
7.	Temporary License	200.00
8.	Examination	250.00

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-1-118, 63-22-102, 63-22-106, 63-22-108, and 63-22-121.

Rule 0450-2-.07, Application Review, Approval, Denial, Interviews, is amended by deleting paragraph (8) in its entirety and substituting instead the following language, so that as amended, the new paragraph (8) shall read:

- (8) Whenever requirements for licensure are not completed within twelve (12) months from the date of the initial review of application and credentials, and within six (6) months from receipt of the application by endorsement, reciprocity or upgrade, written notification will be mailed to the applicant and the application file will be closed. Upon the applicant’s failure to appear for a scheduled oral examination without appropriate notification, the board may, in its discretion, consider the application file closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-106, 63-22-107, and 63-22-110.

Rule 0450-3-.06, Fees, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

(4)	Fee Schedule:	Amount
1.	Application	\$260.00
2.	Duplicate Certificate	25.00
3.	Endorsement/Verification	20.00
4.	Late Renewal	100.00

5.	Renewal (Biennial)	200.00
6.	State Regulatory (Biennial)	10.00
7.	Examination	250.00

**Authority:** *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-106, 63-1-107, 63-1-108, 63-1-112, 63-1-118, 63-22-102, 63-22-108, 63-22-203, and 63-22-205.*

Rule 0450-3-.07, Application Review, Approval, and Denial, is amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new paragraph (6) shall read:

- (6) Whenever requirements for certification are not completed within six (6) months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the application file will be closed. Upon the applicant's failure to appear for a scheduled oral examination without appropriate notification, the board may, in its discretion, consider the application file closed. An applicant whose file has been closed shall subsequently be considered for certification only upon the filing of a new application and payment of all appropriate fees.

**Authority:** *T.C.A. §§4-5-202, 4-5-204, 63-22-102, 63-22-110, and 63-22-203.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of April, 2000. (04-27)

### STATE BOARD OF EDUCATION - 0520

The State Board of Education will hold a public hearing to receive comments regarding revisions to the State Board of Education Rules, Regulations and Minimum Standards Chapter 0520-1-9. This hearing will be conducted as prescribed by Uniform Administrative Procedures Act *T. C. A. § 4-5-201 et. seq.*, and will take place in Room 14 of the Legislative Plaza, Nashville, TN 37243 at 9 a.m. CDT on June 16, 2000.

Written comments will be considered if received by noon, June 16, 2000, at the office of the State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-1050.

Individuals with disabilities wishing to participate in these proceedings (or to review these files) should contact the State Board of Education to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to (June 16, 2000) or the date such party intends to review such filings, to allow time to provide such aid or service. Contact Vicki Burger, ADA Coordinator, State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-1050, (615) 532-3532.

For a complete copy of the entire text of this notice of rulemaking hearing, please contact Vicki Burger, State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3532. Copies are also available on the web at <http://www.state.tn.us/education/msped.htm>.

## SUBSTANCE OF PROPOSED RULES

### CHAPTER 0520-1-9 SPECIAL EDUCATION PROGRAMS AND SERVICES

The proposed rule is a complete revision of Chapter 0520-1-9 of the Rules, Regulations and Minimum Standards for the Governance of Tennessee Public Schools. The proposed rules reflects new federal statutory requirements under Part B of the June 1997 Reauthorization of the Individuals with Disabilities Act (IDEA). In addition, the rules revise prior requirements related to areas such as state and local eligibility, evaluation, and individualized education programs (IEPs). The proposed rules incorporate new requirements in the IDEA relating to discipline, performance goals and indicators, participation of children with disabilities in statewide assessments, procedural safeguards, notice, and mediation. The contents of this chapter include:

#### TABLE OF CONTENTS

0520-1-9-.01	Definitions	0520-1-9-.09	Composition of the IEP TEAM
0520-1-9-.02	Relationship to General Education Programs	0520-1-9-.10	Development of the IEP
0520-1-9-.03	Administration of Division of Special Education and Early Intervention	0520-1-9-.11	Content of the IEP
0520-1-9-.04	Child Find	0520-1-9-.12	Least Restrictive Environment and Placement
0520-1-9-.05	Referral, Initial Evaluation, and Reevaluation	0520-1-9-.13	Transition from Special Education
0520-1-9-.06	Determination of Eligibility	0520-1-9-.14	Procedural Safeguards
0520-1-9-.07	Specific Eligibility	0520-1-9-.15	Discipline Procedures
0520-1-9-.08	Provision of Free Appropriate Public Education (FAPE)	0520-1-9-.16	Children in Private Schools
		0520-1-9-.17	Exemptions for Intellectually Gifted

**Authority:** *T.C.A. §§49-1-302, 49-10-101, and 49-10-701.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of April, 2000. (04-38)

## STATE BOARD OF EDUCATION - 0520

The State Board of Education will hold a public hearing to receive comments regarding a new chapter 0520-1-10 to the State Board of Education Rules, Regulations and Minimum Standards. This hearing will be conducted as prescribed by Uniform Administrative Procedures Act *T. C. A. § 4-5-201 et. seq.*, and will take place in Room 14 of the Legislative Plaza, Nashville, TN 37243 at 9 a.m. CDT on June 16, 2000.

Written comments will be considered if received by noon, June 16, 2000, at the office of the State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-1050.

Individuals with disabilities wishing to participate in these proceedings (or to review these files) should contact the State Board of Education to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to (June 16, 2000) or the date such party intends to review such filings, to allow time to provide such aid or service. Contact Vicki Burger, ADA Coordinator, State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-1050, (615) 532-3532.

For a complete copy of the entire text of this notice of rulemaking hearing, please contact Vicki Burger, State Board of Education, 9<sup>th</sup> Floor – Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3532. Copies are also available on the web at <http://www.state.tn.us/education/msped.htm>.

### SUBSTANCE OF PROPOSED RULES

#### CHAPTER 0520-1-10 TENNESSEE'S EARLY INTERVENTION SYSTEM NEW RULE

The proposed new rule, chapter 0520-1-10 of the Rules, Regulations and Minimum Standards for the Governance of Tennessee Public Schools reflects new federal statutory requirements under Part C of the June 1997 Reauthorization of the Individuals with Disabilities Act (IDEA). The proposed rule is necessary to ensure the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of services for infants and toddlers with disabilities and their families in accordance with Part C of the IDEA. The contents of this chapter include:

#### TABLE OF CONTENTS

0520-1-10-.01	Definitions	0520-1-10-.06	Interagency Agreements
0520-1-10-.02	Programs and Service Components	0520-1-10-.07	Identification and Coordination of Resources
0520-1-10-.03	Procedural Safeguards	0520-1-10-.08	TEIS Interagency Coordinating Council (ICC)
0520-1-10-.04	Resolutions of Individual Child Complaints	0520-1-10-.09	Local Interagency Coordinating Council (LICC)
0520-1-10-.05	State Administration	0520-1-10-.10	Data Collection

**Authority:** *T.C.A. §§49-1-302, 49-10-701, and 49-10-702.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of April, 2000. (04-39)

**WILDLIFE PROCLAMATIONS**

**TN WILDLIFE RESOURCES COMMISSION - 1660**

**PROCLAMATION 00-04**

**ESTABLISHING FOURTH FRACTIONAL TOWNSHIP  
WILDLIFE MANAGEMENT AREA**

Pursuant to the authority granted by *title 70, Tennessee Code Annotated, and Sections 70-1-302 and 70-5-101* thereof, the Tennessee Wildlife Resources Commission hereby proclaims the following as Fourth Fractional Township Wildlife Management Area:

Those lands in Polk County consisting of those acres located west of Hwy. 68 between Ducktown, Tennessee and Copperhill, Tennessee known as the Fourth Fractional Township where the Copper Basin High School is located. For more complete description may be found on file in the Tennessee Wildlife Resources Agency Office, Nashville, Tennessee.

Proclamation No. 00-04 received and recorded this 17th day of April, 2000. (04-15)

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### CERTIFICATE OF APPROVAL

*As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning April 3, 2000 and ending April 28, 2000.*

  
RILEY C. DARNELL  
*Secretary of State*

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