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Sequence Number: 03-19-24

Rule ID(s): 10065

File Date: 3/25/2024

Effective Date: 6/23/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

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

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Revision Type (check all that apply):

☒ Amendment ☐ Content based on previous emergency rule filed on _____
☐ New ☐ Content is identical to the emergency rule
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-12-05	Tennessee Investment in Student Achievement
Rule Number	Rule Title
0520-12-05-.02	Chapter Definitions
0520-12-05-.05	Direct Allocations

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

0520-12-05-.02 Chapter Definitions is amended so that the rule in its entirety shall read as follows:

0520-12-05-.02 Chapter Definitions

- (1) "Ancillary Special Education Direct Services" (ULN 8) means Special Education Direct Services provided in a general or special education setting that are deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by an ancillary person, including but not limited to, an interpreter, instructional assistant, or attendant for a minimum of four (4) hours per day.
- (2) "Authorizing Entity" means a local board of education, the Tennessee Public Charter School Commission, or the Achievement School District authorized to make decisions regarding approval, renewal, and revocation of a public charter school application or agreement.
- (3) "Average Daily Membership" or "ADM," pursuant to T.C.A. § 49-3-104(1), means the sum of the total number of days a Student is enrolled divided by the number of days school is in session during this period.
- (4) "Base Funding Amount," pursuant to T.C.A. § 49-3-104(2), means the uniform dollar amount that each Student generates towards the Student's TISA funding allocation in a given year.
- (5) "Baseline Funding Amount," pursuant to T.C.A. § 49-3-104(3), means:
 - (a) The basic education program allocations an LEA received in the 2022-2023 school year;
 - (b) The coordinated school health grant allocations an LEA received in the 2022- 2023 school year;
 - (c) The family resource center grant allocations an LEA received from the Department in the 2022-2023 school year; and
 - (d) The school safety grant allocations an LEA received in the 2022-2023 school year.
- (6) "Career and Technical Program," pursuant to T.C.A. § 49-3-104(4), means a coordinated, non-duplicative sequence of academic and technical content that:
 - (a) Incorporates challenging state academic standards;
 - (b) Addresses academic and technical knowledge and skills, including employability skills;
 - (c) Is aligned with the needs of industries in the economy of the state, region, or local area;
 - (d) Progresses in specificity, beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction, including early postsecondary instruction;
 - (e) Has multiple entry and exit points that incorporate credentialing;
 - (f) Culminates in the attainment of a recognized credential; and
 - (g) Is established and categorized into one (1) of three (3) levels by the Department, as provided in Rule 0520-12-05-.05, based on the additional resources required to support

the program and the Wage-Earning Potential for Students participating in the program.

- (7) "Characteristics of Dyslexia" (ULN 2) means reading challenges that are identified when a Student is:
 - (a) Identified by the composite score of the universal reading screener and/or the Early Warning System (in grades 9-12 only); and
 - (b) Demonstrates deficiencies in fifty percent (50%) or more of the grade appropriate subtests of skills which support the goal of reading proficiently as identified by the Department's Minimum Universal Reading Screening Matrix.
- (8) "Commissioner," pursuant to T.C.A. § 49-3-104(5), means the commissioner of education.
- (9) "Concentrated Poverty," pursuant to T.C.A. § 49-3-104(6), means that a Student is a member in a school that is eligible for Title I schoolwide designation.
- (10) "Consultation" means services provided by licensed staff to licensed staff, with minimal special education and Related Services (if any) provided directly to the Student. Consultation may include but is not limited to: discussion on the implementation of the current Individualized Education Program (IEP); review of current accommodations and progress on goals; implementation of behavior intervention plan (BIP) and/or behavior data; and/or collaboration to revise and develop future IEPs and BIPs.
- (11) "Department," pursuant to T.C.A. § 49-3-104(7), means the department of education.
- (12) "Direct Allocation," pursuant to T.C.A. § 49-3-104(8), means an allocation in addition to the Base Funding Amount for a Student expressed as a flat dollar amount.
- (13) "Direct ESL Services" means English as a Second Language (ESL) services designed for speakers of other languages and provided pursuant to an ILP by a teacher with an ESL endorsement to EL Students.
- (14) "Dyslexia" means a specific learning disability as defined in State Board Special Education Rules Chapter 0520-01-09, that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.
- (15) "Early Post-Secondary Opportunities" or "EPSOs", for the purposes of 0520-12-05-.06, are opportunities for students to earn postsecondary credit(s) or clock hours while in high school and include Advanced Placement (AP), Cambridge International Examinations (CIE), College Level Examination Program (CLEP), Dual Enrollment (DE), International Baccalaureate (IB), Local Dual Credit (LDC), Statewide Dual Credit (SDC), and department-promoted industry credentials (IC).
- (16) "Early Warning System" means a tool that allows school-level teams to manage attendance, behavior, and academic performance indicators that may impact academic performance and/or indicate other risk factors for high school Students.
- (17) "Economically Disadvantaged," pursuant to T.C.A. § 49-3-104(10), means, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the federal Every Student Succeeds Act (20 U.S.C. § 6301 et seq.), a homeless, foster, runaway, or migrant Student or a Student eligible for free or reduced-price school meals or milk through the direct certification eligibility guidelines established pursuant to 42 U.S.C. §§ 1751-1766 and 42 U.S.C. 1769.
- (18) "Education Information System" means the reporting system(s) used by the state which contains

data about Students and other data provided by Local Education Agencies, public charter schools, and other state applications as required by T.C.A. § 49-1-209.

- (19) "English Learner" or "EL" means an NELB Student who qualifies for ESL services via a Department-approved English Language Proficiency screener.
- (20) "English Learner Tier I" (ULN 2) means an EL Student meeting one (1) of the following criteria:
 - (a) Transition supports, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, for transitional English Learners who have met the exit criteria for the ESL program, in accordance with the State Board of Education Rules Chapter 0520-01-19, and are in year one (1) or two (2) after exiting;
 - (b) Indirect ESL services in accordance with State Board of Education Rules 0520-01-19, whose parent(s) or legal guardian(s) have waived Direct ESL Services; or
 - (c) ESL services for Long-Term English Learners.
- (21) "English Learner Tier II" (ULN 4) means an EL Student who receives Direct ESL Services and academic and career-readiness supports that provide access to classroom instruction for English Learners, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, and who does not meet the definition of English Learner Tier I or English Learner Tier III.
- (22) "English Learner Tier III" (ULN 5) means an EL Student who receives Direct ESL Services specific to language-focused supports for English Learners, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, based on a WIDA overall proficiency level of three (3) or lower and for a maximum of three (3) years.
- (23) "EPSO Credit" means the completion of an Early Post-Secondary Opportunity that results in either postsecondary credit(s) or clock hours, a passing score on approved exams, or a Tier II or Tier III industry credential as identified by the Department.
- (24) "Existing Educator," pursuant to T.C.A. § 49-3-104(11), means an individual who is evaluated pursuant to § 49-1-302(d)(2) and who provides direct service to Students at school sites.
- (25) "Fiscal Capacity," pursuant to T.C.A. § 49-3-104(12), means the percentage of the Local Share that a county must contribute.
- (26) "Fiscal Capacity Calculation," pursuant to T.C.A. § 49-3-104(13), means the formula evaluated by the Comptroller of the Treasury and approved by the State Board that determines Fiscal Capacity as the average of the Fiscal Capacity estimates generated by the formula established by the Boyd Center for Business and Economic Research (CBER) at the University of Tennessee and the formula established by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR).
- (27) "High-Support Special Education Direct Services" (ULN 7) means Special Education Direct Services and/or Related Services provided in the general or special education setting deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff totaling more than or equal to fourteen (14), but less than twenty-three (23) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- (28) "Indirect ESL Services" means ESL services that provide linguistically and academically appropriate accommodations and scaffolding pursuant to an ILP that are:
 - (a) Provided as a result of parent(s) or guardian(s) waiving Direct ESL Services;

- (b) Provided by a general education teacher in the general education classroom; and
 - (c) Designed to ensure EL Students have access to daily grade level instruction in English.
- (29) "Individualized Learning Plan" or "ILP" means a document developed pursuant to State Board of Education Rules, Chapter 0520-01-19 that prescribes the academic goals, supports, and/or accommodations that an EL student needs to access classroom instruction.
 - (30) "Individualized Learning Plan - Dyslexia" or "ILP-D" means a document developed by the LEA or public charter school for Students with Characteristics of Dyslexia in accordance with T.C.A. § 49-1-229 and State Board of Education Rules, Chapter 0520-01-22, that prescribes the academic goals, supports, and/or accommodations that a Student may need to access classroom instruction, in addition to exit criteria.
 - (31) "Least Restrictive Environment" pursuant to 20 U.S.C. 1412(a)(5), means to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
 - (32) "Limited Special Education Direct Services" (ULN 3) means Special Education Direct Services and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law by certified or non-certified staff totaling more than or equal to four (4), but less than nine (9) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
 - (33) "Local Contribution," pursuant to T.C.A. § 49-3-104(14), means the dollar amount of local funds that a local government must pay toward the Local Share.
 - (34) "Local Education Agency" or "LEA," pursuant to T.C.A. § 49-3-104(15), means a county, city, or special school district, unified school district, school district of a metropolitan form of government, or another school system established by law.
 - (35) "Local Share," pursuant to T.C.A. § 49-3-109(b), which must be paid with local government funds, is the remaining thirty percent (30%) of the total funding allocation that Students funded by a local government generate pursuant to § 49-3-105(a)(1) and (a)(2).
 - (36) "Long-Term English Learners" means English Learners in year seven (7) of the ESL program who have not met the program's exit criteria pursuant to State Board of Education Rules, Chapter 0520-01-19.
 - (37) "Membership," pursuant to T.C.A. § 49-3-104(16), means a Student is enrolled and assigned to a class.
 - (38) "Minimal Special Education Direct Services" (ULN 2) means special education and Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law by certified or non-certified staff totaling more than or equal to one (1), but less than four (4) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
 - (39) "Minimum Universal Reading Screening Matrix" means a state-designed tool that identifies the subtests required at each grade level for all state-approved universal reading screeners and determines the grade appropriate subtests necessary for the screening process for Characteristics of Dyslexia.

- (40) "Moderate Special Education Support Direct Services" (ULN 6) means special education direct and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff totaling more than or equal to nine (9), but less than fourteen (14) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- (41) "Most Intensive Special Education Support Direct Services" (ULN 9) means:
- (a) Direct and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law totaling twenty-three (23) or more hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded; or
 - (b) Direct and/or Related Services to a Student in a comprehensive development classroom or self-contained setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law totaling thirty-two and a half (32.5) or more hours per week. Eligible Related Services include psychological with a minimum of two contacts per month, counseling with a minimum of two contacts per month, speech/language with a minimum of two contacts per month, vision or hearing services with a minimum of one hour per week, or physical or occupational therapy with a minimum of three contacts per year.
- (42) "Non-English Language Background (NELB) Student" means a Student whose parent(s) or guardian(s) list a language other than English in response to any question on the home language survey. An NELB Student may or may not qualify for ESL services.
- (43) "Postsecondary Readiness Assessment," pursuant to T.C.A. § 49-3-104(17), means the assessment required pursuant to T.C.A. § 49-6-6001(b).
- (44) "Related Services," pursuant to 34 C.F.R. 300.34, means transportation and such developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education, including, but not limited to, speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; transition services, including job placement; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling with a focus on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability; orientation and mobility services; medical services for diagnostic or evaluation purposes; school health services and school nurse services; social work services in schools; and Parent Counseling and training.
- (45) "Significant Growth," for the purpose of Rule 0520-12-05-.06, means a Student who has moved from one performance band to a higher performance band over consecutive years.
- (46) "Small District," pursuant to T.C.A. § 49-3-104(18), means an LEA with a Membership of one thousand (1,000) or fewer Students.
- (47) "Sparse District," pursuant to T.C.A. § 49-3-104(19), means a county LEA located in a county with fewer than twenty-five (25) Students per square mile.
- (48) "Special Education Consultation Services" (ULN 1) means:
- (a) Consultation, with a minimum of two (2) contacts per month between the LEA personnel;

- (b) Occupational therapy or physical therapy consultation with a minimum of three (3) contacts per year between the related service provider and other LEA personnel; or
 - (c) Special Education Direct Services provided in a Student's Least Restrictive Environment, as required by state and federal law, are less than one (1) hour per week and Related Services are less than one (1) hour per week.
 - (d) Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- (49) "Special Education Direct Services" means special education services provided in the general or special education setting deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff directly to Students. Services include, but are not limited to:
- (a) Speech and language therapy in the general or special education setting;
 - (b) Co-teaching model in which a certified general education teacher and a certified special education teacher deliver coordinated instruction in the general education classroom;
 - (c) Paraprofessional support in the general education setting;
 - (d) Pull-out services in the special education setting; and
 - (e) Deficit-based intervention services.
- (50) "Special Education Residential/Homebound/Hospital Services" (ULN 10) means:
- (a) Residential services are provided twenty-four (24) hours per day; or
 - (b) Direct and Related Services provided in a home, hospital, or related site three (3) or more hours per week.
- (51) "SOC" means a Standard Occupational Classification system. This is a federal statistical standard used by federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. All workers are classified into one of 867 detailed occupations according to their occupational definition.
- (52) "State Board" pursuant to T.C.A. § 49-3-104(20), means the state board of education.
- (53) "Student" means an individual enrolled in a public K-12 LEA or a public charter school.
- (54) "Student with a Disability" means a child between three (3) and twenty-one (21) years of age, both inclusive, who has been evaluated and determined as having a state-identified disability of functional delay or intellectually gifted, or as having one (1) or more of the following disabilities as defined in 34 C.F.R. § 300.8: an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; emotional disturbance; an orthopedic impairment; autism; traumatic brain injury; other health impairment; a specific learning disability; developmental delay; deaf-blindness; or multiple disabilities and who, by reason thereof, needs special education and Related Services. Any child with a disability who turns twenty-two (22) years of age between the commencement of the school year and the conclusion of the school year continues to be a child with a disability for the remainder of that school year.
- (55) "TCAP," pursuant to T.C.A. § 49-3-104(21), means the Tennessee Comprehensive Assessment Program;

- (56) "Tennessee Investment in Student Achievement Formula" or "TISA," pursuant to T.C.A. § 49-3-104(22), means the Student-based funding formula established pursuant to this part that consists of Student-generated funding allocations pursuant to T.C.A. §§ 49-3-105 and 49-3-106.
- (57) "Unique Learning Need" or "ULN," pursuant to T.C.A. § 49-3-104(23), means a learning need for which an LEA must provide the Student individualized services, interventions, accommodations, or modifications to meet the Student's need pursuant to T.C.A. § 49-1-229, T.C.A. § 49-10-108, the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or the State Board's rules for ESL programs, that are documented in a written plan and provided in accordance with T.C.A. § 49-1-229, T.C.A. § 49-10-108, the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or the State Board's rules for English as a second language programs, as applicable, and that are established and categorized into ten (10) levels by the Department, as provided in the Department's rules, based on the level of additional resources necessary to manage the ULN.
- (58) "Wage-Earning Potential" means the combination of high-wage, high-demand, and high-skill indicators for occupations using data provided through the Tennessee Department of Labor and Workforce Development.
- (59) "Weighted Allocation," pursuant to T.C.A. § 49-3-104(24), means an allocation in addition to the Base Funding Amount for a Student that is expressed as a percentage of the Base Funding Amount.

Authority: T.C.A. §§ 49-3-103(c), 49-3-115. Administrative History:

0520-12-05-.05 Direct Allocations is amended so that the rule in its entirety shall read as follows:

0520-12-05-.05 Direct Allocations

- (1) Direct Allocations. The amount set for Direct Allocations generated for each Student listed in T.C.A. § 49-3-105(c), for the LEA in which the Student is a member, are subject to an annual appropriation by the Tennessee General Assembly and shall be based on Students meeting one (1) or more of the following criteria:
 - (a) Rising Fourth Grade Students. A Direct Allocation amount is generated for a rising fourth grade Student who is determined not to be proficient in English language arts (ELA) based on the Student achieving a performance level rating of "below" or "approaching" on the ELA portion of the Student's most recent TCAP test.
 - (b) Students Enrolled in Career and Technical Programs.
 - 1. Pursuant to T.C.A. § 49-3-105(c)(2), a Direct Allocation amount is generated for each Student Membership in a Career and Technical Program based on:
 - (i) The level of the program; and
 - (ii) The Student progression in coursework through the program.
 - 2. Career and Technical Programs shall be designated into one (1) of three (3) levels. Programs will be classified into the three (3) levels based on alignment to Wage-Earning Potential indicators and additional resources required to support the program if aligned to high Wage-Earning Potential occupational pathways.
 - (i) The level of each program will be determined by the following methodology:
 - (I) SOC Codes will be reviewed for alignment to each program.
 - I. For each program, the Department will develop a list of

aligned careers in conjunction with stakeholder groups. The list of each program will be based on the SOC codes.

- II. For each program's list of aligned SOC codes, the SOC codes with the top ten (10) highest employments in Tennessee will be used in the scoring process outlined below in this Rule. If a program's list of aligned SOC codes is fewer than ten (10) SOC codes, then the available SOC codes will be used for the analysis outlined below in this Rule.

- (II) Programs will be scored using information on aligned SOC codes to establish the Wage-Earning Potential for each program by analyzing high-wage, high-demand, and high-skill data points. Each of the analyses detailed below will begin with the list of up to ten (10) SOC codes identified within each program as detailed above.

- I. High-wage score determination:

- A. Using occupational wage data provided by the Tennessee Department of Labor and Workforce Development (TDLWD), the Department will identify the top five (5) median wage SOC codes within a program. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purposes of this determination.

- B. The median wages of the top (5) SOC codes will then be averaged together to produce the average median-wage of the program.

- C. The resulting average median wage for each program will then be compared to the statewide median-wage. The comparison will result in a score ranging from one (1) to five (5) for the high-wage score based on the following:

- (A) Average median wages at or below the statewide median will earn a score of one (1).

- (B) Average median wages above 100% to 120% of the statewide median will earn a score of two (2).

- (C) Average median wages above 120% to 130% of the statewide median will earn a score of three (3).

- (D) Average median wages above 130% to 140% of the statewide median will earn a score of four (4).

- (E) Average median wages above 140% of

the statewide median will earn a score of five (5).

- II. High-demand score determination:
 - A. Using employment projection data provided by the TDLWD, the Department will identify the top five (5) in-demand SOC codes within each program based on regional prevalence of demand and volume of demand. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purposes of this determination.
 - B. For each aligned SOC code, the in-demand indicator will be based on the number of regions in which the SOC code is identified as in-demand using the following scores:
 - (A) For a SOC code identified as in-demand in eight (8) or nine (9) workforce development regions, the SOC code will earn a score of four (4).
 - (B) For a SOC code identified as in-demand in five (5) to seven (7) workforce development regions, the SOC code will earn a score of three (3).
 - (C) For a SOC code identified as in-demand in three (3) to four (4) workforce development regions, the SOC code will earn a score of two (2).
 - (D) For a SOC code identified as in-demand in two (2) or fewer workforce development regions, the SOC code will earn a score of one (1).
 - (E) If a SOC code is projected to have annual openings in the most recent employment projections of equal to or more than one thousand (1,000), the SOC code will earn a score of four (4) regardless of the regional prevalence score determined in the above paragraphs.
 - C. The scores for the top five (5) in-demand SOC codes will be averaged to generate the overall high-demand score for the program, ranging from one (1) to four (4).
 - D. If the sum total of annual openings projected by the most recent employment projections for the five (5) top SOC codes is equal to or more than three thousand (3,000), then the program will score a four (4) for the high-demand score.

III. High-skill score determination:

- A. Using the same set of top five (5) SOC codes identified in the high-wage score process and data provided by the TDLWD, the Department will total the number of SOC codes with a typical entry education level above a high school diploma. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purpose of this determination.
 - (A) SOC codes with typical entry education levels above a high school diploma (postsecondary non-degree award, some college, no degree, associate's degree, bachelor's degree, master's degree, doctoral or professional degree) will generate a score of one (1).
 - (B) SOC codes with typical entry education levels at or below a high school diploma (high school diploma or equivalent or no formal educational credential) will generate a score of zero (0).
- B. The program will generate an overall high-skill score based on the sum of the identified SOC codes using the following:
 - (A) If the sum is five (5), the program generates a score of two (2).
 - (B) If the sum is three (3) to four (4), the program generates a score of one (1).
 - (C) If the sum is less than three (3), the program generates a score of zero (0).

(III) Weights and final program scores:

- I. To determine a final program score, the high-wage, high-demand, and high-skill scores calculated above will be weighted in the following methodology:
 - A. High-wage will be weighted at 70%.
 - B. High-demand will be weighted at 20%.
 - C. High-skill will be weighted at 10%.
- II. The formula for final program score is $(\text{High-Wage Score} \times 0.7) + (\text{High-Demand Score} \times 0.2) + (\text{High-Skill Score} \times 0.1) = \text{final program score}$.

(IV) Tiers and additional resources:

- I. The final program scores will be divided into three (3) levels based on the following methodology:

- A. Programs at or above the eightieth (80th) percentile of all scores will be identified as Level 3.
 - B. Program scores between the fortieth (40th) and eightieth (80th) percentile of scores will be identified as Level 2.
 - C. Program scores below the fortieth (40th) percentile of scores will be identified as Level 1.
 - II. Additional resources: The Department shall evaluate and establish a list of high-cost programs to reflect the additional resources needed to support the program. For programs identified in the top ten percent (10%) of additional resources needed, if the program falls into either Level 2 or Level 3, then the Department will apply an additional level of funding for student membership in these programs as identified in the appropriations process.
3. Student progression in coursework through a program shall be determined by each course's alignment as a first, second, third, or fourth year course of the career and technical education program.
 4. Special Considerations - Career and Technical Program Levels.
 - (i) If a course appears in multiple programs and the aligned programs represent two (2) or more different levels as identified in paragraph (b)(2) of this Rule, then the course will be funded at the highest level of the aligned program.
 - (ii) Career and Technical Program courses for elective credit and middle school Career and Technical Program courses will be valued the same as a Student assigned to the first year of a level one (1) Career and Technical Program. Funding for general education courses that are part of a Career and Technical Program will not be funded as part of the Career and Technical Program.
 5. By July 1 of each year, the Department shall:
 - (i) Create and publish a listing of all approved Career and Technical Program courses and determine for each course whether it aligns with first, second, third, or fourth year of the Career and Technical Program;
 - (ii) Create and publish a listing of all approved Career and Technical Programs by level;
 - (iii) Conduct an annual review of Wage-Earning Potential indicators through data from the Tennessee Department of Labor and Workforce Development and other sources, for all occupations and ensure alignment to approved Career and Technical Programs; and
 - (iv) Conduct an annual review of additional resources required to support Career and Technical Programs.

6. With the exception of the first year of implementation, program levels and course assignment to progression years, while evaluated annually, will be updated for TISA funding purposes every three (3) years to allow LEAs appropriate time to align programs. This re-evaluation, including additional resources analysis, will be released by July 1 on the three (3) year cycle and become effective for the subsequent fiscal year, providing a full year between the release date and the year in which data will drive updated funding implications.
- (c) Students Taking a Postsecondary Readiness Assessment. A Direct Allocation amount is generated, which shall be maintained by the Department and used to fund the cost of Postsecondary Readiness Assessments, for each Student meeting one (1) or more of the following criteria:
 1. A junior or senior in high school, as determined from data from Education Information System and the LEA, who has not previously taken a Postsecondary Readiness Assessment; or
 2. A junior or senior in high school, as determined from data from Education Information System and the LEA, who has previously taken a Postsecondary Readiness Assessment, but only once.
 - (d) Kindergarten-Grade 3 Students. A Direct Allocation amount is generated for each member Student enrolled in any of the grades kindergarten through three (K-3) as determined from data from Education Information System intended to support literacy instruction; and
 - (e) Public Charter School Students. A Direct Allocation amount is generated for each member Student of a public charter school as reported by LEAs in the Student information system. The Department shall calculate and disburse public charter school Direct Allocations by:
 1. Dividing the total recurring funding appropriated by the Tennessee General Assembly annually for this purpose by the prior year ADM in charter schools to generate a per Student amount. The per Student amount is then multiplied by prior year ADM at each public charter school to generate the total Direct Allocation generated by individual public charter schools; and
 2. Allocating and distributing to the public charter school's Authorizing Entity, the per Student amount multiplied by prior year ADM generated by each of the authorizer's public charter schools. The authorizing LEA shall distribute these funds and other state, local, and federal funds to public charter schools pursuant to State Board of Education Rules, Division 0520-14 on Charter Schools.
 - (2) The amount set for Direct Allocations generated for each Student listed in T.C.A. § 49-3-105(c) shall be administered and allocated by the Department to the LEA in which the Student is a member, or maintained by the Department as specified in subdivision (1)(c), based on data collected for an LEA during the immediately preceding school year, in accordance with T.C.A. § 49-3-105(d).
 - (3) The amount for each Direct Allocation shall be determined through the state budget and appropriations process.

Authority: T.C.A. §§ 49-3-103(c), 49-3-104(4)(G), 49-3-105(c), 49-3-115. Administrative History:

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Education in compliance with the provisions of T.C.A. § 4-5-222 and submitted to the State Board of Education on 11/03/2023, where the board issued a positive recommendation for the rule in compliance with T.C.A. § 49-3-115.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 07/31/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 09/21/2023

Date: Christy Ballard, Digitally signed by Christy
Signature: General Counsel Ballard, General Counsel
Date: 2024.03.13 15:03:11 -05'00'

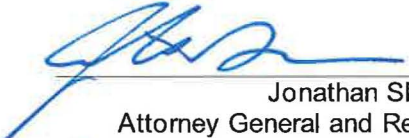
Name of Officer: Christy Ballard

Title of Officer: General Counsel

Agency/Board/Commission: Department of Education

Rule Chapter Number(s): 0520-12-05

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Jonathan Skrmetti
Attorney General and Reporter
Mar. 22, 2024 Date

Department of State Use Only

Filed with the Department of State on: 3/25/2024

Effective on: 6/23/2024


Tre Hargett
Secretary of State

RECEIVED

Mar 25 2024, 10:14 am

Secretary of State
Division of Publications

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

- Please see the attached spreadsheet encompassing all public comments and responses.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- TISA affects K-12 public schools and public charter schools and does not directly impact small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

- The Department has not requested any additional funds to administer these rules beyond the funds allocated through passage of the law; and because TISA replaces the current BEP funding formula, no additional compliance cost is expected to be incurred by LEAs.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

- In the 2022 legislative session, Governor Lee and the Tennessee General Assembly passed the Tennessee Investment in Student Achievement (TISA) Act (Chapter 966 of the 2022 Public Acts) which transitions the state to a student-based funding formula starting in the 2023-24 school year. The TISA Act specifically requires rulemaking by the Tennessee Department of Education (Department) in certain areas to define important terms and establish processes and procedures for funding disbursements. In accordance with T.C.A. § 49-3-115(b), before the Tennessee Department of Education began the rulemaking process, the Department submitted the proposed rule to the State Board of Education. The State Board of Education issued a unanimous positive recommendation for these Rules at its quarterly meeting on November 3, 2023.
- TISA provides direct funding for student participation in Career and Technical Education (CTE) programs to drive college and career readiness outcomes. These revisions to the TISA rules address the Direct Allocations component of the TISA Act. Some of the proposed changes, among others, include the addition of Standard Occupational Classification (SOC) system codes methodology for CTE programs.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

- [Chapter 966 of the Public Acts of 2022](#) requires the Department of Education to promulgate rules implementing TISA, including in certain areas related to CTE and Direct Allocations.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

- The Department of Education is directly affected by these rules and urges adoption. These rules also affect all public K-12 LEAs and charter schools.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

- No such opinion or ruling has been identified.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

- The Department has not requested any additional funds to administer TISA Chapters 0520-12-05.02 and 0520-12-05-.06 beyond the funds allocated through passage of the law. The fiscal memo for Public Chapter 966 indicates an estimated \$1 billion increase in state expenditures for FY24 and subsequent years.

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

- Sam Percy, Deputy Commissioner (Sam.Percy@tn.gov)
- Christy Ballard, General Counsel (Christy.Ballard@tn.gov)
- Shannon Gordon, Chief Operating Officer (Shannon.Gordon@tn.gov)
- Maryanne Durski, Chief Financial Officer (Maryanne.Durski@tn.gov)

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

- Sam Percy, Deputy Commissioner

- Jack Powers, Assistant Commissioner of Policy and Legislative Affairs

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Sam Percy
Sam.Percy@tn.gov
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway
Nashville, TN 37243
(615)-390-2087

Jack Powers,
Jack.Powers@tn.gov
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway
Nashville, TN 37243
(629) 259-1979

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

N/A.

Date Received	Type (Email/Letter)	From	Category	Question/Comment	TDOE Approved Response
9/8/2023	Email	Tabatha Ogle	Career and Technical Programs	CTE Coursework should theoretically be taken in sequence for students to earn concentrator status. However, scheduling students for the coursework sometimes does not allow for this in reality. What are the rules with regard to TISA funding to be allocated with regard to concentrator status? Will students have to take the course work in direct sequence (ex. Course 1 and course 2) in order to receive the TISA funding?	The department made no revisions to the rules in response to this comment. It was determined that this comment was a question about implementation of the law and rules rather than a request to make revisions to the rule.
9/26/2023	Email	Anne Thaxon	Career and Technical Programs	Will the funding for Programs of Study be by county when looking at the top 10 employments by industries? This would be a more fair way to make sure that our programs are aligned to our community needs. If the SOC system for funding is the same for the entire state, then the larger counties stand to gain more funding, and the smaller counties will receive substantially less. Also, our small school system will need the top ten list as soon as possible if this is calculated for the entire state so that we can begin to plan for our programs and possibility of needing to hire teachers for programs based on this funding information as opposed to our community needs. It will be extremely difficult to find CTE teachers for new programs in our school system. Wage and earning potential are important, but for many of our graduates, it is not as important as being able to live in the same community they were raised in. Our community would benefit from these graduates remaining in the area, and receiving employment/CTE training for local opportunities and occupations. Thank you.	The department made no revisions to the rules in response to this comment. It was determined that this comment was a question about implementation of the law and rules rather than a request to make revisions to the rule.
9/25/2023	Email	Brad Leach	Career and Technical Programs	The following are questions that have been compiled by our Upper Cumberland Region CTE Directors concerning TISA rules and regulations. - How is CTE going to benefit from TISA (supplies, equipment, travel)? - What happens when ISM funding runs out? How can we sustain people, update programs, and maintain equipment? - How often will rules be changed for TISA? Will good communication be provided on changes? Thank you, Brad Leach UC Regional CTE Study Council President	The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.
9/26/2023	Email	Jack Powers	Career and Technical Programs	Clarify percentages for each CTE Funding Level/Course Year combination, above a base CTE Funding amount. Clarify how alignment is defined and evaluated. Strengthen the public reporting of metrics and analyses used to determine CTE funding allocations.	The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

1. CTE Coursework should theoretically be taken in sequence for students to earn concentrator status. However, scheduling students for the coursework sometimes does not allow for this in reality. What are the rules with regard to TISA funding to be allocated with regard to concentrator status? Will students have to take the course work in direct sequence (ex. Course 1 and course 2) in order to receive the TISA funding?

Answer: The department made no revisions to the rules in response to this comment. It was determined that this comment was a question about implementation of the law and rules rather than a request to make revisions to the rule.

2. Will the funding for Programs of Study be by county when looking at the top 10 employments by industries? This would be a more fair way to make sure that our programs are aligned to our community needs. If the SOC system for funding is the same for the entire state, then the larger counties stand to gain more funding, and the smaller counties will receive substantially less.

Answer: The department made no revisions to the rules in response to this comment. It was determined that this comment was a question about implementation of the law and rules rather than a request to make revisions to the rule.

3. Also, our small school system will need the top ten list as soon as possible if this is calculated for the entire state so that we can begin to plan for our programs and possibility of needing to hire teachers for programs based on this funding information as opposed to our community needs. It will be extremely difficult to find CTE teachers for new programs in our school system.

Answer: The department made no revisions to the rules in response to this comment. It was determined that this comment was a question about implementation of the law and rules rather than a request to make revisions to the rule.

4. Wage and earning potential are important, but for many of our graduates, it is not as important as being able to live in the same community they were raised in. Our community would benefit from these graduates remaining in the area, and receiving employment/CTE training for local opportunities and occupations. Thank you.

Answer: The department made no revisions to the rules in response to this comment.

5. How is CTE going to benefit from TISA (supplies, equipment, travel)?

Answer: The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

6. What happens when ISM funding runs out? How can we sustain people, update programs, and maintain equipment?

Answer: The department made no revisions to the rules in response to this comment.

7. How often will rules be changed for TISA? Will good communication be provided on changes?

Answer: The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

8. Clarify percentages for each CTE Funding Level/Course Year combination, above a base CTE Funding amount.

Answer: The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

9. Clarify how alignment is defined and evaluated.

Answer: The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

10. Strengthen the public reporting of metrics and analyses used to determine CTE funding allocations.

Answer: The department made no revisions to the rules in response to this comment. The department determined that it was most appropriate to address this comment by including further clarification in department provided trainings and guidance documents, rather than revising the rules.

0520-12-05-.02 Chapter Definitions

- (1) "Ancillary Special Education Direct Services" (ULN 8) means Special Education Direct Services provided in a general or special education setting that are deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by an ancillary person, including but not limited to, an interpreter, instructional assistant, or attendant for a minimum of four (4) hours per day.
- (2) "Authorizing Entity" means a local board of education, the Tennessee Public Charter School Commission, or the Achievement School District authorized to make decisions regarding approval, renewal, and revocation of a public charter school application or agreement.
- (3) "Average Daily Membership" or "ADM," pursuant to T.C.A. § 49-3-104(1), means the sum of the total number of days a Student is enrolled divided by the number of days school is in session during this period.
- (4) "Base Funding Amount," pursuant to T.C.A. § 49-3-104(2), means the uniform dollar amount that each Student generates towards the Student's TISA funding allocation in a given year.
- (5) "Baseline Funding Amount," pursuant to T.C.A. § 49-3-104(3), means:
 - (a) The basic education program allocations an LEA received in the 2022-2023 school year;
 - (b) The coordinated school health grant allocations an LEA received in the 2022- 2023 school year;
 - (c) The family resource center grant allocations an LEA received from the Department in the 2022-2023 school year; and
 - (d) The school safety grant allocations an LEA received in the 2022-2023 school year.
- (6) "Career and Technical Program," pursuant to T.C.A. § 49-3-104(4), means a coordinated, non-duplicative sequence of academic and technical content that:
 - (a) Incorporates challenging state academic standards;
 - (b) Addresses academic and technical knowledge and skills, including employability skills;
 - (c) Is aligned with the needs of industries in the economy of the state, region, or local area;
 - (d) Progresses in specificity, beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction, including early postsecondary instruction;
 - (e) Has multiple entry and exit points that incorporate credentialing;
 - (f) Culminates in the attainment of a recognized credential; and
 - (g) Is established and categorized into one (1) of three (3) levels by the Department, as provided in Rule 0520-12-05-.05, based on the additional resources required to support the program and the Wage-Earning Potential for Students participating in the program.
- (7) "Characteristics of Dyslexia" (ULN 2) means reading challenges that are identified when a Student is:

- (a) Identified by the composite score of the universal reading screener and/or the Early Warning System (in grades 9-12 only); and
 - (b) Demonstrates deficiencies in fifty percent (50%) or more of the grade appropriate subtests of skills which support the goal of reading proficiently as identified by the Department's Minimum Universal Reading Screening Matrix.
- (8) "Commissioner," pursuant to T.C.A. § 49-3-104(5), means the commissioner of education.
 - (9) "Concentrated Poverty," pursuant to T.C.A. § 49-3-104(6), means that a Student is a member in a school that is eligible for Title I schoolwide designation.
 - (10) "Consultation" means services provided by licensed staff to licensed staff, with minimal special education and Related Services (if any) provided directly to the Student. Consultation may include but is not limited to: discussion on the implementation of the current Individualized Education Program (IEP); review of current accommodations and progress on goals; implementation of behavior intervention plan (BIP) and/or behavior data; and/or collaboration to revise and develop future IEPs and BIPs.
 - (11) "Department," pursuant to T.C.A. § 49-3-104(7), means the department of education.
 - (12) "Direct Allocation," pursuant to T.C.A. § 49-3-104(8), means an allocation in addition to the Base Funding Amount for a Student expressed as a flat dollar amount.
 - (13) "Direct ESL Services" means English as a Second Language (ESL) services designed for speakers of other languages and provided pursuant to an ILP by a teacher with an ESL endorsement to EL Students.
 - (14) "Dyslexia" means a specific learning disability as defined in State Board Special Education Rules Chapter 0520-01-09, that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.
 - (15) "Early Post-Secondary Opportunities" or "EPSOs", for the purposes of 0520-12-05-.06, are opportunities for students to earn postsecondary credit(s) or clock hours while in high school and include Advanced Placement (AP), Cambridge International Examinations (CIE), College Level Examination Program (CLEP), Dual Enrollment (DE), International Baccalaureate (IB), Local Dual Credit (LDC), Statewide Dual Credit (SDC), and department-promoted industry credentials (IC).
 - (16) "Early Warning System" means a tool that allows school-level teams to manage attendance, behavior, and academic performance indicators that may impact academic performance and/or indicate other risk factors for high school Students.
 - (17) "Economically Disadvantaged," pursuant to T.C.A. § 49-3-104(10), means, as defined in Tennessee's Every Student Succeeds Act (ESSA) plan established pursuant to the federal Every Student Succeeds Act (20 U.S.C. § 6301 et seq.), a homeless, foster, runaway, or migrant Student or a Student eligible for free or reduced-price school meals or milk through the direct certification eligibility guidelines established pursuant to 42 U.S.C. §§ 1751-1766 and 42 U.S.C. 1769.
 - (18) "Education Information System" means the reporting system(s) used by the state which contains data about Students and other data provided by Local Education Agencies, public charter

schools, and other state applications as required by T.C.A. § 49-1-209.

- (19) "English Learner" or "EL" means an NELB Student who qualifies for ESL services via a Department-approved English Language Proficiency screener.
- (20) "English Learner Tier I" (ULN 2) means an EL Student meeting one (1) of the following criteria:
 - (a) Transition supports, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, for transitional English Learners who have met the exit criteria for the ESL program, in accordance with the State Board of Education Rules Chapter 0520-01-19, and are in year one (1) or two (2) after exiting;
 - (b) Indirect ESL services in accordance with State Board of Education Rules 0520-01-19, whose parent(s) or legal guardian(s) have waived Direct ESL Services; or
 - (c) ESL services for Long-Term English Learners.
- (21) "English Learner Tier II" (ULN 4) means an EL Student who receives Direct ESL Services and academic and career-readiness supports that provide access to classroom instruction for English Learners, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, and who does not meet the definition of English Learner Tier I or English Learner Tier III.
- (22) "English Learner Tier III" (ULN 5) means an EL Student who receives Direct ESL Services specific to language-focused supports for English Learners, as outlined in the Student's ILP pursuant to State Board of Education Rules, Chapter 0520-01-19, based on a WIDA overall proficiency level of three (3) or lower and for a maximum of three (3) years.
- (23) "EPSO Credit" means the completion of an Early Post-Secondary Opportunity that results in either postsecondary credit(s) or clock hours, a passing score on approved exams, or a Tier II or Tier III industry credential as identified by the Department.
- (24) "Existing Educator," pursuant to T.C.A. § 49-3-104(11), means an individual who is evaluated pursuant to § 49-1-302(d)(2) and who provides direct service to Students at school sites.
- (25) "Fiscal Capacity," pursuant to T.C.A. § 49-3-104(12), means the percentage of the Local Share that a county must contribute.
- (26) "Fiscal Capacity Calculation," pursuant to T.C.A. § 49-3-104(13), means the formula evaluated by the Comptroller of the Treasury and approved by the State Board that determines Fiscal Capacity as the average of the Fiscal Capacity estimates generated by the formula established by the Boyd Center for Business and Economic Research (CBER) at the University of Tennessee and the formula established by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR).
- (27) "High-Support Special Education Direct Services" (ULN 7) means Special Education Direct Services and/or Related Services provided in the general or special education setting deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff totaling more than or equal to fourteen (14), but less than twenty-three (23) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- ~~(28) "High Wage Occupations" as defined by the Tennessee Department of Labor and Workforce Development Systems (TDLWD) means occupations with entry wages twenty percent (20%) greater than the median entry state wage to be determined using workforce development information.~~

~~(29)~~ "In Demand Occupations" as defined by Tennessee Higher Education Commission (THEC) means:

- ~~(a)~~ Occupations having a median wage which is at least eighty percent (80%) of the median wage for the region as determined by an analysis conducted by TDLWD at the statewide level and for each local workforce development area totaling ten (10) regions statewide plus nine (9) local workforce development regions;
- ~~(b)~~ Occupations meeting a threshold of 0.04 percent of the region's total employment as published by the TDLWD; and
- ~~(c)~~ Occupations meeting at least two (2) of the following three (3) criteria:
 - ~~1.~~ The ratio of job postings to the number of individuals employed in an occupation is greater than or equal to the median ratio for all occupations in the region;
 - ~~2.~~ The ratio of hires to the number of individuals employed in an occupation is greater than or equal to the median ratio for all occupations in the region; or
 - ~~3.~~ The ratio of projected annual job openings to employment for an occupation is greater than or equal to the median ratio for all occupations in the region.

~~(30)~~(28) "Indirect ESL Services" means ESL services that provide linguistically and academically appropriate accommodations and scaffolding pursuant to an ILP that are:

- (a) Provided as a result of parent(s) or guardian(s) waiving Direct ESL Services
- (b) Provided by a general education teacher in the general education classroom; and
- (c) Designed to ensure EL Students have access to daily grade level instruction in English.

~~(34)~~(29) "Individualized Learning Plan" or "ILP" means a document developed pursuant to State Board of Education Rules, Chapter 0520-01-19 that prescribes the academic goals, supports, and/or accommodations that an EL student needs to access classroom instruction.

~~(32)~~(30) "Individualized Learning Plan - Dyslexia" or "ILP-D" means a document developed by the LEA or public charter school for Students with Characteristics of Dyslexia in accordance with T.C.A. § 49-1-229 and State Board of Education Rules, Chapter 0520-01-22, that prescribes the academic goals, supports, and/or accommodations that a Student may need to access classroom instruction, in addition to exit criteria.

~~(33)~~(31) "Least Restrictive Environment" pursuant to 20 U.S.C. 1412(a)(5), means to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children without disabilities, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

~~(34)~~(32) "Limited Special Education Direct Services" (ULN 3) means Special Education Direct Services and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law by certified or non-certified staff totaling more than or equal to four (4), but less than nine (9) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.

- ~~(35)~~~~(33)~~ "Local Contribution," pursuant to T.C.A. § 49-3-104(14), means the dollar amount of local funds that a local government must pay toward the Local Share.
- ~~(36)~~~~(34)~~ "Local Education Agency" or "LEA," pursuant to T.C.A. § 49-3-104(15), means a county, city, or special school district, unified school district, school district of a metropolitan form of government, or another school system established by law.
- ~~(37)~~~~(35)~~ "Local Share," pursuant to T.C.A. § 49-3-109(b), which must be paid with local government funds, is the remaining thirty percent (30%) of the total funding allocation that Students funded by a local government generate pursuant to § 49-3-105(a)(1) and (a)(2).
- ~~(38)~~~~(36)~~ "Long-Term English Learners" means English Learners in year seven (7) of the ESL program who have not met the program's exit criteria pursuant to State Board of Education Rules, Chapter 0520-01-19.
- ~~(39)~~~~(37)~~ "Membership," pursuant to T.C.A. § 49-3-104(16), means a Student is enrolled and assigned to a class.
- ~~(40)~~~~(38)~~ "Minimal Special Education Direct Services" (ULN 2) means special education and Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law by certified or non-certified staff totaling more than or equal to one (1), but less than four (4) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- ~~(41)~~~~(39)~~ "Minimum Universal Reading Screening Matrix" means a state-designed tool that identifies the subtests required at each grade level for all state-approved universal reading screeners and determines the grade appropriate subtests necessary for the screening process for Characteristics of Dyslexia.
- ~~(42)~~~~(40)~~ "Moderate Special Education Support Direct Services" (ULN 6) means special education direct and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff totaling more than or equal to nine (9), but less than fourteen (14) hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.
- ~~(43)~~~~(41)~~ "Most Intensive Special Education Support Direct Services" (ULN 9) means:
- (a) Direct and/or Related Services provided in the general or special education setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law totaling twenty-three (23) or more hours per week. Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded; or
 - (b) Direct and/or Related Services to a Student in a comprehensive development classroom or self-contained setting deemed by the IEP team to be a Student's Least Restrictive Environment, as required by state and federal law totaling thirty-two and a half (32.5) or more hours per week. Eligible Related Services include psychological with a minimum of two contacts per month, counseling with a minimum of two contacts per month, speech/language with a minimum of two contacts per month, vision or hearing services with a minimum of one hour per week, or physical or occupational therapy with a minimum of three contacts per year.

~~(44)~~~~(42)~~ "Non-English Language Background (NELB) Student" means a Student whose parent(s) or guardian(s) list a language other than English in response to any question on the home language survey. An NELB Student may or may not qualify for ESL services.

~~(45)~~~~(43)~~ "Postsecondary Readiness Assessment," pursuant to T.C.A. § 49-3-104(17), means the assessment required pursuant to T.C.A. § 49-6-6001(b).

~~(46)~~~~(44)~~ "Related Services," pursuant to 34 C.F.R. 300.34, means transportation and such developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education, including, but not limited to, speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; transition services, including job placement; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling with a focus on career development, employment preparation, achieving independence, and integration in the workplace and community of a child with a disability; orientation and mobility services; medical services for diagnostic or evaluation purposes; school health services and school nurse services; social work services in schools; and Parent Counseling and training.

~~(47)~~~~(45)~~ "Significant Growth," for the purpose of Rule 0520-12-05-.06, means a Student who has moved from one performance band to a higher performance band over consecutive years.

~~(48)~~~~(46)~~ "Small District," pursuant to T.C.A. § 49-3-104(18), means an LEA with a Membership of one thousand (1,000) or fewer Students.

~~(49)~~~~(47)~~ "Sparse District," pursuant to T.C.A. § 49-3-104(19), means a county LEA located in a county with fewer than twenty-five (25) Students per square mile.

~~(50)~~~~(48)~~ "Special Education Consultation Services" (ULN 1) means:

- (a) Consultation, with a minimum of two (2) contacts per month between the LEA personnel;
- (b) Occupational therapy or physical therapy consultation with a minimum of three ~~(43)~~ contacts per year between the related service provider and other LEA personnel; or
- (c) Special Education Direct Services provided in a Student's Least Restrictive Environment, as required by state and federal law, are less than one (1) hour per week and Related Services are less than one (1) hour per week.
- (d) Eligible Related Services include psychological, school social work, speech/language, school health counseling, vision, hearing, orientation and mobility services, occupational and physical therapy. Recreational therapy and other Related Services are excluded.

~~(51)~~~~(49)~~ "Special Education Direct Services" means special education services provided in the general or special education setting deemed by the IEP team to be the Student's Least Restrictive Environment, as required by state and federal law, by certified or non-certified staff directly to Students. Services include, but are not limited to:

- (a) Speech and language therapy in the general or special education setting;
- (b) Co-teaching model in which a certified general education teacher and a certified special education teacher deliver coordinated instruction in the general education classroom;
- (c) Paraprofessional support in the general education setting;
- (d) Pull-out services in the special education setting; and

- (e) Deficit-based intervention services.

~~(52)~~(50) "Special Education Residential/Homebound/Hospital Services" (ULN 10) means:

- (a) Residential services are provided twenty-four (24) hours per day; or
- (b) Direct and Related Services provided in a home, hospital, or related site three (3) or more hours per week.

(51) "SOC" means a Standard Occupational Classification system. This is a federal statistical standard used by federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. All workers are classified into one of 867 detailed occupations according to their occupational definition.

~~(53)~~(52) "State Board" pursuant to T.C.A. § 49-3-104(20), means the state board of education.

~~(54)~~(53) "Student" means an individual enrolled in a public K-12 LEA or a public charter school.

~~(55)~~(54) "Student with a Disability" means a child between three (3) and twenty-one (21) years of age, both inclusive, who has been evaluated and determined as having a state-identified disability of functional delay or intellectually gifted, or as having one (1) or more of the following disabilities as defined in 34 C.F.R. § 300.8: an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; emotional disturbance; an orthopedic impairment; autism; traumatic brain injury; other health impairment; a specific learning disability; developmental delay; deaf-blindness; or multiple disabilities and who, by reason thereof, needs special education and Related Services. Any child with a disability who turns twenty-two (22) years of age between the commencement of the school year and the conclusion of the school year continues to be a child with a disability for the remainder of that school year.

~~(56)~~(55) "TCAP," pursuant to T.C.A. § 49-3-104(21), means the Tennessee Comprehensive Assessment Program;

~~(57)~~(56) "Tennessee Investment in Student Achievement Formula" or "TISA," pursuant to T.C.A. § 49-3-104(22), means the Student-based funding formula established pursuant to this part that consists of Student-generated funding allocations pursuant to T.C.A. §§ 49-3-105 and 49-3-106.

~~(58)~~(57) "Unique Learning Need" or "ULN," pursuant to T.C.A. § 49-3-104(23), means a learning need for which an LEA must provide the Student individualized services, interventions, accommodations, or modifications to meet the Student's need pursuant to T.C.A. § 49-1-229, T.C.A. § 49-10-108, the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or the State Board's rules for ESL programs, that are documented in a written plan and provided in accordance with T.C.A. § 49-1-229, T.C.A. § 49-10-108, the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), or the State Board's rules for English as a second language programs, as applicable, and that are established and categorized into ten (10) levels by the Department, as provided in the Department's rules, based on the level of additional resources necessary to manage the ULN.

~~(59)~~ — "Wage-Earning Potential" means the combination of high-wage, high-demand, and high-skill indicators for occupations using data provided through the Tennessee Department of Labor and Workforce Development. In-Demand Occupations and High Wage Occupations.

~~(60)~~(58)

~~(61)~~(59) "Weighted Allocation," pursuant to T.C.A. § 49-3-104(24), means an allocation in addition to the Base Funding Amount for a Student that is expressed as a percentage of the Base Funding Amount.

Authority: T.C.A. §§ 49-3-103(c), 49-3-115. Administrative History:

0520-12-05-.05 Direct Allocations is amended so that the rule in its entirety shall read as follows:

0520-12-05-.05 Direct Allocations

- (1) Direct Allocations. The amount set for Direct Allocations generated for each Student listed in T.C.A. § 49-3-105(c), for the LEA in which the Student is a member, are subject to an annual appropriation by the Tennessee General Assembly and shall be based on Students meeting one (1) or more of the following criteria:
 - (a) Rising Fourth Grade Students. A Direct Allocation amount is generated for a rising fourth grade Student who is determined not to be proficient in English language arts (ELA) based on the Student achieving a performance level rating of "below" or "approaching" on the ELA portion of the Student's most recent TCAP test.
 - (b) Students Enrolled in Career and Technical Programs.
 1. Pursuant to T.C.A. § 49-3-105(c)(2), a Direct Allocation amount is generated for each Student Membership in a Career and Technical Program based on:
 - (i) The level of the program; and
 - (ii) The Student progression in coursework through the program.
 2. Career and Technical Programs shall be designated into one (1) of three (3) levels. Programs will be classified into the three (3) levels based on alignment to Wage-Earning Potential indicators and additional resources required to support the program if aligned to ~~in-demand and high-~~ Wage-Earning Potential wage occupational pathways.
 - (i) The level of each program will be determined by the following methodology:
 - (I) SOC Codes will be reviewed for alignment to each program.
 - I. For each program, the Department will develop a list of aligned careers in conjunction with stakeholder groups. The list of each program will be based on the SOC codes.
 - II. For each program's list of aligned SOC codes, the SOC codes with the top ten (10) highest employments in Tennessee will be used in the scoring process outlined below in this Rule. If a program's list of aligned SOC codes is fewer than ten (10) SOC codes, then the available SOC codes will be used for the analysis outlined below in this Rule.
 - (II) Programs will be scored using information on aligned SOC codes to establish the Wage-Earning Potential for each program by analyzing high-wage, high-demand, and high-skill data points. Each of the analyses detailed below will begin with the list of up to ten (10) SOC codes identified within each program as detailed above.

I. High-wage score determination:

- A. Using occupational wage data provided by the Tennessee Department of Labor and Workforce Development (TDLWD), the Department will identify the top five (5) median wage SOC codes within a program. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purposes of this determination.
- B. The median wages of the top (5) SOC codes will then be averaged together to produce the average median-wage of the program.
- C. The resulting average median wage for each program will then be compared to the statewide median-wage. The comparison will result in a score ranging from one (1) to five (5) for the high-wage score based on the following:
 - (A) Average median wages at or below the statewide median will earn a score of one (1).
 - (B) Average median wages above 100% to 120% of the statewide median will earn a score of two (2).
 - (C) Average median wages above 120% to 130% of the statewide median will earn a score of three (3).
 - (D) Average median wages above 130% to 140% of the statewide median will earn a score of four (4).
 - (E) Average median wages above 140% of the statewide median will earn a score of five (5).

II. High-demand score determination:

- A. Using employment projection data provided by the TDLWD, the Department will identify the top five (5) in-demand SOC codes within each program based on regional prevalence of demand and volume of demand. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purposes of this determination.
- B. For each aligned SOC code, the in-demand

indicator will be based on the number of regions in which the SOC code is identified as in-demand using the following scores:

(A) For a SOC code identified as in-demand in eight (8) or nine (9) workforce development regions, the SOC code will earn a score of four (4).

(B) For a SOC code identified as in-demand in five (5) to seven (7) workforce development regions, the SOC code will earn a score of three (3).

(C) For a SOC code identified as in-demand in three (3) to four (4) workforce development regions, the SOC code will earn a score of two (2).

(D) For a SOC code identified as in-demand in two (2) or fewer workforce development regions, the SOC code will earn a score of one (1).

(E) If a SOC code is projected to have annual openings in the most recent employment projections of equal to or more than one thousand (1,000), the SOC code will earn a score of four (4) regardless of the regional prevalence score determined in the above paragraphs.

C. The scores for the top five (5) in-demand SOC codes will be averaged to generate the overall high-demand score for the program, ranging from one (1) to four (4).

D. If the sum total of annual openings projected by the most recent employment projections for the five (5) top SOC codes is equal to or more than three thousand (3,000), then the program will score a four (4) for the high-demand score.

III. High-skill score determination:

A. Using the same set of top five (5) SOC codes identified in the high-wage score process and data provided by the TDLWD, the Department will total the number of SOC codes with a typical entry education level above a high school diploma. If a program has fewer than five (5) aligned SOC codes, then the available SOC codes will be used for the purpose of this determination.

(A) SOC codes with typical entry education levels above a high school diploma (postsecondary non-degree award, some college, no degree, associate's degree, bachelor's degree, master's degree, doctoral or professional degree) will generate a score of one (1).

(B) SOC codes with typical entry education levels at or below a high school diploma (high school diploma or equivalent or no formal educational credential) will generate a score of zero (0).

B. The program will generate an overall high-skill score based on the sum of the identified SOC codes using the following:

(A) If the sum is five (5), the program generates a score of two (2).

(B) If the sum is three (3) to four (4), the program generates a score of one (1).

(C) If the sum is less than three (3), the program generates a score of zero (0).

(III) Weights and final program scores:

I. To determine a final program score, the high-wage, high-demand, and high-skill scores calculated above will be weighted in the following methodology:

A. High-wage will be weighted at 70%.

B. High-demand will be weighted at 20%.

C. High-skill will be weighted at 10%.

II. The formula for final program score is (High-Wage Score x 0.7) + (High-Demand Score x 0.2) + (High-Skill Score x 0.1) = final program score.

(IV) Tiers and additional resources:

I. The final program scores will be divided into three (3) levels based on the following methodology:

A. Programs at or above the eightieth (80th) percentile of all scores will be identified as Level 3.

B. Program scores between the fortieth (40th) and eightieth (80th) percentile of scores will be identified as Level 2.

C. Program scores below the fortieth (40th) percentile of scores will be identified as Level 1.

1.

II. Additional resources: The Department shall evaluate and establish a list of high-cost programs to reflect the additional resources needed to support the program. For programs identified in the top ten percent (10%) of additional resources needed, if the program falls into either Level 2 or Level 3, then the Department will apply an additional **level** of funding for student membership in these programs as identified in the appropriations process.

~~(I) Program weights will be assigned to each program using two Wage-Earning Potential indicators—In-Demand Occupations and High Wage Occupations.~~

~~I. In-Demand Occupations will be determined using the state's annual Academic Supply for Occupational Demand Report.~~

~~II. Programs will receive an assigned weight for each aligned occupation designated as an In-Demand Occupation as follows:~~

~~A. No statewide demand at 0.1~~

~~B. Statewide demand in one (1) region at 1~~

~~C. Statewide demand in two (2) regions at 2~~

~~D. Statewide demand in three (3) regions at 3~~

~~E. Statewide demand in four (4) regions at 4~~

~~F. Statewide demand in five (5) regions at 5~~

~~G. Statewide demand in six (6) regions at 6~~

~~H. Statewide demand in seven (7) regions at 7~~

~~I. Statewide demand in eight (8) regions at 8~~

~~J. Statewide demand in nine (9) regions at 9.~~

~~III. High Wage Occupations will be determined using the Tennessee Department of Labor and Workforce Development's Jobs4TN wage analytics.~~

~~IV. Programs will receive an additional weight for each aligned occupation designated as a High Wage Occupation multiplied by 0.5.~~

~~(II) Programs will be assigned initial program levels based on the program weights assigned above.~~

- ~~I. Programs in the top quartile of program weights will be designated as Level 3.~~
 - ~~II. Programs in the middle half of program weights will be designated as Level 2.~~
 - ~~III. Programs in the bottom quartile of program weights will be designated as Level 1.~~
- ~~(III) Following initial program level determination using Wage Earning Potential indicator weights, an additional weight will be added to programs in level two (2) for programs requiring additional resources to support the program. For eligible programs, a weight will be added equivalent to fifty percent (50%) of the average program weight of all programs. If the new program weight is higher than the threshold established in the initial quartile threshold of Level 3 designation, then the program will be moved into Level 3.~~
3. Student progression in coursework through a program shall be determined by each course's alignment as a first, second, third, or fourth year course of the career and technical education program.
4. Special Considerations - Career and Technical Program Levels
 - ~~(i) First year courses aligned to multiple programs will be valued the same as a Student assigned to the first year of a level one (1) Career and Program.~~
 - ~~(ii) Second year courses aligned to multiple programs will be valued the same as a Student assigned to the second year of a level one (1) Career and Technical Program.~~
 - ~~(iii) Third year courses aligned to multiple programs will be valued the same as a Student assigned to the third year of a level one (1) Career and Technical Program.~~
 - ~~(iv) Fourth year courses aligned to multiple programs will be valued the same as a Student assigned to the fourth year of a level one (1) Career and Technical Program.~~
 - ~~(v) The Work-Based Learning courses that are not aligned to specific CTE programs will be valued the same as a Student to the fourth year of a level one (1) Career and Technical Program.~~
 - (i) If a course appears in multiple programs and the aligned programs represent two (2) or more different levels as identified in paragraph (b)(2) of this Rule, then the course will be funded at the highest level of the aligned program.
 - ~~(vi)(ii)~~ Career and Technical Program courses for elective credit and middle school Career and Technical Program courses will be valued the same as a Student assigned to the first year of a level one (1) Career and Technical Program. Funding for general education courses that are part of a Career and Technical Program will not be funded as part of the Career and Technical Program ~~CTE program~~.

5. By July 1 of each year, the Department shall:
 - (i) Create and publish a listing of all approved Career and Technical Program courses and determine for each course whether it aligns with first, second, third, or fourth year of the Career and Technical Program;
 - (ii) Create and publish a listing of all approved Career and Technical Programs by level;
 - (iii) Conduct an annual review of Wage-Earning Potential indicators, through data from the Tennessee Department of Labor and Workforce Development and ~~the Tennessee Higher Education Commission~~ other sources, for all occupations and ensure alignment to approved Career and Technical Programs; and
 - (iv) Conduct an annual review of additional resources required to support Career and Technical Programs.
6. ~~With the exception of the first year of implementation, p~~Program levels and course assignment to progression years, while evaluated annually, will be updated for TISA funding purposes every three (3) years to allow LEAs appropriate time to align programs. This re-evaluation, including additional resources analysis, will be released by July 1 on the three (3) year cycle and become effective for the subsequent fiscal year, providing a full year between the release date and the year in which data will drive updated funding implications. will be used every three (3) years to update TISA funding for Career and Technical Program Membership, allowing LEAs appropriate time to align programs.

- (c) Students Taking a Postsecondary Readiness Assessment. A Direct Allocation amount is generated, which shall be maintained by the Department and used to fund the cost of Postsecondary Readiness Assessments, for each Student meeting one (1) or more of the following criteria:
 1. A junior or senior in high school, as determined from data from Education Information System and the LEA, who has not previously taken a Postsecondary Readiness Assessment; or
 2. A junior or senior in high school, as determined from data from Education Information System and the LEA, who has previously taken a Postsecondary Readiness Assessment, but only once.
- (d) Kindergarten-Grade 3 Students. A Direct Allocation amount is generated for each member Student enrolled in any of the grades kindergarten through three (K-3) as determined from data from Education Information System intended to support literacy instruction; and
- (e) Public Charter School Students. A Direct Allocation amount is generated for each member Student of a public charter school as reported by LEAs in the Student information system. The Department shall calculate and disburse public charter school Direct Allocations by:
 1. Dividing the total recurring funding appropriated by the Tennessee General Assembly annually for this purpose by the prior year ADM in charter schools to generate a per Student amount. The per Student amount is then multiplied by prior year ADM at each public charter school to generate the total Direct

Allocation generated by individual public charter schools; and

2. Allocating and distributing to the public charter school's Authorizing Entity, the per Student amount multiplied by prior year ADM generated by each of the authorizer's public charter schools. The authorizing LEA shall distribute these funds and other state, local, and federal funds to public charter schools pursuant to State Board of Education Rules, Division 0520-14 on Charter Schools.
- (2) The amount set for Direct Allocations generated for each Student listed in T.C.A. § 49-3-105(c) shall be administered and allocated by the Department to the LEA in which the Student is a member, or maintained by the Department as specified in subdivision (1)(c), based on data collected for an LEA during the immediately preceding school year, in accordance with T.C.A. § 49-3-105(d).
 - (3) The amount for each Direct Allocation shall be determined through the state budget and appropriations process.

Authority: T.C.A. §§ 49-3-103(c), 49-3-104(4)(G), 49-3-105(c), 49-3-115. Administrative History: