

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF EDUCATION**

**CHAPTER 0520-12-05  
TENNESSEE INVESTMENT IN STUDENT ACHIEVEMENT (TISA)**

**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;

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- (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.

(Rule 0520-12-05-.02, continued)

- (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. §§ 1751-1769.
- (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.

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- (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 Tennessee Department of Labor and Workforce Development; 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.

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- (30) "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.
- (31) "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) "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) "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) 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) "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) "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) "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) "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.

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- (39) "Membership," pursuant to T.C.A. § 49-3-104(16), means a Student is enrolled and assigned to a class.
- (40) "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) "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) "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) "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) "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) "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) "Related Services," pursuant to 34 C.F.R. 300.34, means transportation and such

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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) "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) "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) "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) "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.
- (51) "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

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- (e) Deficit-based intervention services.
- (52) "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.
- (53) "State Board" pursuant to T.C.A. § 49-3-104(20), means the state board of education.
- (54) "Student" means an individual enrolled in a public K-12 LEA or a public charter school.
- (55) "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) "TCAP," pursuant to T.C.A. § 49-3-104(21), means the Tennessee comprehensive assessment program;
- (57) "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) "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 In-Demand Occupations and High Wage Occupations.
- (60) "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: