

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Rachel Suppé
Address:	500 James Robertson Parkway, Nashville, Tennessee
Zip:	37243
Phone:	615-253-5707
Email:	rachel.suppe@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Rachel Suppé
Address:	500 James Robertson Parkway, Nashville, Tennessee 37243
Phone:	615-253-5707
Email:	rachel.suppe@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway, Nashville, Tennessee		
Address 2:	1st Floor - Conference Room 1B		
City:	Nashville		
Zip:	37243		
Hearing Date:	07/24/2025		
Hearing Time:	10:00 a.m.	x CST/CDT	EST/EDT

Additional Hearing Information:

****Anyone seeking to participate electronically may access the hearing using the following information:****

URL: <https://tn.webex.com/tn/j.php?MTID=mc867c1027122f2fafb4e334eadc27cd2>

Meeting number: 2307 438 6422

Password: SBERules

Phone: 615-747-4911

Access Code: 2307 438 6422

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing.

Oral comments are invited at the hearing.

Written comments may be submitted via email at SBE.RuleMaking.Public.Comments@tn.gov or mailed to:

Tennessee State Board of Education

500 James Robertson Parkway, Nashville, Tennessee 37243

Attention: Rachel Suppé

To ensure consideration, written comments must be received by 9:00 a.m. Central Time, July 29, 2025.

Revision Type (check all that apply):

☒ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-25	Innovative School Districts
Rule Number	Rule Title
0520-01-25-.01	Purpose
0520-01-25-.02	Definitions
0520-01-25-.03	Eligibility
0520-01-25-.04	Application
0520-01-25-.05	Funding and Operation
0520-01-25-.06	Reporting
0520-01-25-.07	Appeals
0520-01-25-.08	Future Educational Needs

Chapter Number	Chapter Title
0520-01-03	Academic and Instructional Requirements
Rule Number	Rule Title
0520-01-03-.06	Graduation Requirements

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.24	Functional Behavior Assessments and Behavior Intervention Plans

Chapter Number	Chapter Title
0520-01-11	Individualized Education Accounts
Rule Number	Rule Title
0520-01-11-.02	Definitions

NEW RULE

The Rules of the State Board of Education are amended by adding Chapter 0520-01-25, a table of contents, and rules .01 through .08, so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-25 INNOVATIVE SCHOOL DISTRICTS

TABLE OF CONTENTS

0520-01-25-.01	Purpose	0520-01-25-.05	Funding and Operation
0520-01-25-.02	Definitions	0520-01-25-.06	Reporting
0520-01-25-.03	Eligibility	0520-01-25-.07	Appeals
0520-01-25-.04	Application	0520-01-25-.08	Future Educational Needs

0520-01-25-.01 PURPOSE.

The purpose of these rules is to effectuate the Innovative School District Act as required by T.C.A. §§ 49-8-1501, et seq.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.02 DEFINITIONS.

- (1) "Department" means the Tennessee Department of Education.
- (2) "Doctoral-Extensive Institution" means a Research One (R1) or Research Two (R2) institution as set by the Carnegie Classification of Institutions of Higher Education.
- (3) "Innovative School District (ISD)" means a local education agency (LEA), as defined in § 49-1-103, composed of a school or schools serving students in any of the grades pre-Kindergarten through twelve (12) as Training Schools operated by a Tennessee Public University that is approved by the Department to operate an Innovative School District.
- (4) "Public University" means a Tennessee public university approved by the Tennessee Higher Education Commission to grant bachelor's degrees.
- (5) "State Board" means the Tennessee State Board of Education.
- (6) "Training School" means a public school authorized under T.C.A. § 49-8-105 that serves students in any of the grades pre-kindergarten through twelve (pre-K-12) and that is affiliated with a public institution of higher education in this state, to pilot and model high-quality innovative educational practices and teacher training programs, to stimulate innovative educational programs, to promote robust educational research and practice, to provide opportunities for innovation in instruction, and to provide avenues for delivering innovative course programs aligned to the needs of this state through model programs.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.03 ELIGIBILITY.

- (1) A Public University may apply to the Department to operate an ISD if the Public University:
 - a. Is classified as a Doctoral-Extensive Institution;
 - b. Operates a Training School that includes pre-Kindergarten through any of the grades nine (9) through twelve (12); and

- c. Provides transfer student enrollment opportunities pursuant to T.C.A. § 49-2-128.
- (2) An ISD shall be located in a county in which the Public University maintains a campus, meaning that the Public University has a physical presence in the county where students of the Public University who are not pre-K-12 students regularly attend classes.
- (3) An ISD shall not be eligible to authorize public charter schools.
- (4) The University of Memphis is authorized to operate the innovative school district pursuant to T.C.A. § 49-8-1503(b).

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.04 APPLICATION.

- (1) The Department shall develop an application, and a rubric for evaluating the application, by which a Public University that operates a Training School may apply to the Department to become authorized as an ISD.
 - a. The Department shall post the application, the timeline for application and review, and the evaluation rubric on its website.
- (2) The Public University shall complete the application and provide all documents and information requested by the Department on a timeline set by the Department.
- (3) The application shall include, but is not limited to, descriptions of:
 - a. The proposed ISD's instructional programming, including how the ISD will:
 - i. Provide sequential instruction to students and educate students using textbooks and instructional materials approved by the State Board of Education and educational programming aligned to the Tennessee Academic Standards adopted by the State Board and that generate new and innovative educational models to advance early childhood literacy and workforce-aligned education;
 - ii. Pilot and model high-quality, innovative educational practices and teaching training programs;
 - iii. Promote robust educational research and practice;
 - iv. Provide opportunities for innovation in instruction; and
 - v. Provide avenues for delivering innovative course programs, including an explanation for how those course programs are aligned to the future educational needs of Tennessee as defined in chapter 0520-01-25-.08 of these Rules;
 - b. The proposed ISD's plans for serving:
 - i. Students with disabilities pursuant to federal and state law and State Board Rule 0520-01-09 and through practices informed by the ISD's research and evaluation goals;
 - ii. Students who are English learners pursuant to federal and state law and State Board Rule 0520-01-19; and
 - iii. Students with characteristics of dyslexia pursuant to federal and state law and State Board Rules 0520-01-22;

- c. The proposed governance structure of the ISD pursuant to T.C.A. § 49-8-1503 and T.C.A. § 49-8-1510;
 - d. The ISD's staffing and evaluation plans for teachers and school leaders pursuant to T.C.A. § 49-8-1507;
 - e. The ISD's research plan is in alignment with Chapter 0520-01-25-.06 of these Rules; and
 - f. Signed assurances that the chief administrator and the general counsel of the Public University applying for an ISD understand and shall comply with all federal and state laws, rules, and regulations in the same manner as other LEAs.
- (4) The Department shall evaluate applications according to its rubric and shall, in writing, inform applicants of its decision within sixty (60) calendar days of the application deadline.
 - (5) Prior to beginning operation as an ISD, the Public University with a Department-approved plan for an ISD shall participate in a one-year planning period with readiness indicators established by the Department and posted on the Department's website. If, during the planning period, the Public University fails to meet deadlines or readiness indicators, the Department may revoke approval or require a one-time extension for one additional planning year.
 - (6) The University of Memphis is authorized pursuant to T.C.A. § 49-8-1503(b). The application requirements listed in this chapter shall not apply to the ISD operated by the University of Memphis.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.05 FUNDING AND OPERATION.

- (1) Pursuant to T.C.A. § 49-8-1506, ISDs shall receive, control, and expend local, state, and federal funds for schools in their jurisdiction in the same manner as other LEAs.
- (2) If a Training School transitions from being operated pursuant to a contract between an LEA and a Public University pursuant to T.C.A. § 49-8-105 to being operated as part of an ISD, the LEA shall, for the first school year that the Training School is operated as part of the ISD, provide the governing body for a Public University that operates the ISD with the same level of support for the operation of the Training School as the LEA provided to the Public University under the contract.
 - a. Level of support for the operation of the Training School shall include any mutually agreed-upon support services provided by the LEA to the Training School, including but not limited to nutrition programs, special education, or transportation. This level support is separate from the ISD's funding pursuant to paragraph (1) of this Rule.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.06 REPORTING.

- (1) Pursuant to T.C.A. § 49-8-1504(b), the ISD, in collaboration with the Department, shall annually, on a timeline set by the Department, determine the research, practice, and professional development goals for the ISD in addition to the professional development requirements for all other LEAs and established by law.
- (2) Pursuant to T.C.A. § 49-8-1508, beginning January 15 following one (1) full school year of operation of an ISD and each January 15 thereafter, the local board of education for an ISD shall provide a report to the Department including:
 - a. Findings and recommendations based on the research goals; and

- b. Compliance data for the practice and professional development goals.
- (3) Upon request, the Department shall transmit the annual ISD reports to the State Board, Tennessee General Assembly, or Office of the Governor.
- (4) The ISD shall participate in any monitoring requirements that apply to LEAs, including the Department's processes for monitoring compliance with federal and state laws and State Board of Education rules.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.07 APPEALS.

- (1) A Public University may appeal the Department's determinations to:
 - a. Deny approval to operate an ISD;
 - b. Revoke approval during the one-year planning period; or
 - c. Require a one-time, one-year extension during the planning period.
- (2) All appeals shall be submitted on the appeals form provided on the Department's website. If an appeal is not submitted on the appropriate appeal form or by the requisite deadline, the appeal shall be denied.
- (3) Appeals shall follow the following two-step process:
 - a. Step one appeals shall be reviewed by the Department. Step one appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the determination that is being appealed. The day that the Department sends the determination shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's designee shall make a determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the step one appeal.
 - b. If the Department denies the step one appeal, the appealing party may file a step two appeal. Step two appeals shall be reviewed by an administrative law judge in accordance with the procedures set forth in the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301 et seq. Step two appeals must be submitted to the Department within thirty (30) calendar days of the Department electronically sending the step one determination. The day that the Department sends the step one determination shall not count as part of the thirty (30) calendar days.
- (4) If the deadline to submit an appeal falls on a weekend or state holiday, the appeal shall be considered timely submitted if it is received by the next business day after the weekend or state holiday.
- (5) If an appeal is not timely submitted, the appeal shall be deemed denied.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.08 FUTURE EDUCATIONAL NEEDS.

- (1) Future educational needs of Tennessee are defined as needs identified in one (1) or more of the following:
 - a. The State Board's current Master Plan;
 - b. The Department's current Strategic Plan; or
 - c. Tennessee's State Plan prepared to meet the requirements of the Carl D. Perkins Career and Technical Education Act.

- (2) The ISD shall indicate in its application how its instructional programs meet the future educational needs of Tennessee according to the one (1) or more of the documents listed in this section.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

AMEND the rules of the State Board of Education Chapter 0520-01-03 by amending Rule -.06, so that as amended, the revised Rules shall read:

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL**

REQUIREMENTS

0520-01-03-.06 GRADUATION REQUIREMENTS.

- (1) Students in Tennessee may earn the following diploma options:
 - (a) Traditional high school diploma;
 - (b) Special education high school diploma;
 - (c) Occupational high school diploma; or
 - (d) Alternate academic high school diploma.
- (2) In order to earn a traditional high school diploma, a student shall:
 - (a) Earn the following twenty-two (22) minimum credits required for graduation:

English language arts	4 credits
Mathematics	4 credits
Science	3 credits
Social Studies	3 credits
Physical Education	0.5 credit
Lifetime Wellness	1 credit
Personal Finance	0.5 credit
Elective Focus	3 credits
World Language	2 credits
Fine Arts	1 credit
 - (b) Beginning with students who enroll in ninth (9th) grade in the 2024-25 school year or any subsequent school year, earn at least one (1) credit of computer science in high school;
 1. Students may fulfill this requirement by substituting computer science for the student's fourth credit of mathematics, third credit of science, or an elective focus credit. Students may only use computer science as a substitution to fulfill one (1) credit in mathematics, or one (1) credit in science, or one (1) or more elective focus credits required for a traditional high school diploma.
 2. Students who transfer from another state or country, or from a non-public school to a Tennessee high school during their twelfth (12th) grade year are exempt from this requirement.
 - (c) Participate in the ACT, SAT, or other eleventh (11th) grade postsecondary readiness assessment as determined by the Commissioner, unless the student qualifies for a limited medical exemption as defined by the Department; and
 - (d) Have a satisfactory record of attendance and discipline;

- (3) Beginning in the 2024-25 school year, each public high school shall offer its students access to at least one (1) credit of computer science education.
- (4) To earn a traditional high school diploma, students with disabilities must earn the prescribed twenty-two (22)-credit minimum. Students with disabilities shall be included in general education classes to the degree possible and with appropriate support and accommodations.
- (5) A special education diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP; and
 - (c) Have satisfactory records of attendance and conduct.
- (6) Students who obtain the special education diploma may continue to work toward a traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (7) An occupational diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP;
 - (c) Have satisfactory records of attendance and conduct;
 - (d) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education; and
 - (e) Have completed two (2) years of paid or non-paid work experience.
- (8) The determination that an occupational diploma is the goal for a student with a disability shall be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (9) An alternate academic diploma may be awarded to students with significant cognitive disabilities at the end of their fourth (4th) year of high school who have:
 - (a) Participated in the high school alternate assessments;
 - (b) Earned the prescribed twenty-two (22) credit minimum, including at least one (1) credit of computer science in accordance with subparagraph (2)(b) beginning with students who enroll in the ninth (9th) grade in the 2024-25 school year or any subsequent school year, either through the state- approved standards or through alternate academic diploma modified course requirements approved by the State Board;
 - (c) Received special education services or supports and made satisfactory progress on an IEP;
 - (d) Satisfactory records of attendance and conduct; and
 - (e) Completed a transition assessment(s) that measures, at a minimum, preparedness for postsecondary education and training; employment; independent living; and community

involvement.

- (10) A student who earns an alternate academic diploma shall continue to be eligible for special education services under IDEA until he or she receives a traditional high school diploma or through the school year in which the student turns twenty-two (22).
- (11) The required four (4) credits of English shall include English I, English II, English III, and English IV.
- (12) Three (3) of the required (4) credits of mathematics shall include Algebra I, Algebra II, and Geometry, or the equivalent Integrated Math I, II, and III. The fourth (4th) credit shall be in another mathematics course that extends the student's knowledge in mathematics which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
 - (a) Beginning with students graduating in the 2024-25 school year and thereafter, students shall be enrolled in a mathematics course or courses that are approved course substitutions that count as meeting this requirement in at least three (3) years of high school.
 - (b) Students who complete any of the required math credits prior to the ninth (9th) grade shall receive graduation credit for that coursework; however, those students are still required to enroll in math in at least three (3) years of high school.
 - (c) Students with a qualifying disability who have deficits in mathematics as documented in the individualized education program (IEP) shall be required to achieve at least Algebra I and Geometry (or the equivalent Integrated Math I and Integrated Math II). The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (13) The three (3) credits of science shall include Biology, Chemistry or Physics, and a third lab science which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
 - (a) Students with a qualifying disability as documented in the IEP shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (14) The three (3) credits of social studies shall include United States History and Geography, World History and Geography, Economics, and United States Government and Civics.
- (15) Students must earn one-half ($\frac{1}{2}$) credit in Personal Finance. One (1) JROTC course may be substituted for one-half ($\frac{1}{2}$) credit of Personal Finance if the JROTC instructor attends the Personal Finance training conducted by the Department.
- (16) The two (2) world language credits must be earned in the same world language.
- (17) The three (3) elective focus credits may be earned in CTE, science and math, humanities, fine arts, AP/IB, computer science, or other areas designed to prepare students for the workforce and postsecondary approved by the local board of education.
 - (a) Students completing a CTE elective focus must complete three (3) credits in the same CTE career cluster or state-approved program of study.
 - (b) The credit requirement for fine arts or world language may be waived by the director of schools for students, under certain circumstances, to expand and enhance the elective

focus. Prior to waiver of the requirement for fine arts or world language, the student's parent or guardian must agree to the waiver in writing.

- (c) The director of schools may waive the third (3rd) credit requirement of the elective focus during a student's 12th grade year if the completion of the third (3rd) elective focus credit would prevent or delay graduation. This waiver option includes those students who transfer during the eleventh (11th) or twelfth (12th) grade year to a Tennessee high school from a school in another state or country, or from a non-public school.
- (18) The State Board Graduation Substitutions Policy 3.103 identifies courses that are approved as substitutions for certain graduation credit requirements.
- (19) All full-time students in grades nine (9) through twelve (12) shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the director of schools and then to the local board of education.
- (20) Every local board of education shall develop a policy regarding the minimum and maximum units in any course or subject area for which a student may earn credit toward graduation.
- (21) A public high school student may complete an early high school graduation program through the Move on When Ready Program and be eligible for unconditional entry into a public two (2)-year institution of higher education or conditional entry into a public four (4)-year institution of higher education in accordance with T.C.A. §§ 49-6-8101 - 49-6-8106 and the State Board's High School Policy 2.103. A student who does not participate in the Move on When Ready Program may still graduate earlier than the end of their 12th grade year of high school, provided the student meets all graduation requirements for a traditional high school diploma set forth in this Rule, the State Board's High School Policy 2.103, and any additional requirements for early graduation set by the LEA.
- (22) A variety of honors and distinctions may be awarded to graduating students meeting state or locally specified criteria. Each local school board shall develop a policy prescribing how students meeting honors and distinctions requirements will be noted and recognized.
- (23) LEAs may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have attained an overall grade point average (GPA) of at least a 3.0 or higher on a 4.0 scale. LEAs may set a higher GPA at their discretion. LEAs may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.
- (24) Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT shall graduate with "state honors."
- (25) Students shall be recognized as graduating with "district distinction" if they have met the graduation requirements for their diploma type, have obtained an overall GPA of at least a 3.0 or higher on a 4.0 scale, and have earned an industry credential that was on the list promoted by the Department of Education at the time the student earned it.
- (26) A student who earns a composite score of nineteen (19) or higher on the ACT, or an equivalent score on the SAT, and earns a capstone industry credential as promoted by the Department of Education, shall be recognized as a "Tennessee Tri-Star Scholar" upon graduation from high school. A student who fulfills the requirements of the Tennessee Work Ethic Distinction program shall also be recognized as a Tennessee Tri-Star Scholar upon graduation from high school. The public high school shall recognize the student's achievement at the graduation ceremony by placing an appropriate designation on the student's diploma, or other credential, or by providing a ribbon or cord to be worn with graduation regalia. The student shall be noted as a Tennessee Tri-Star Scholar in the school's graduation program.

- (27) Students will be recognized as graduating with “state distinction” by attaining a B or better grade point average and completing one (1) of the following:
- (a) Earning an industry credential that was on the list promoted by the Department of Education at the time the student earned it;
 - (b) Participating in at least one (1) of the Governor’s Schools;
 - (c) Participating in one (1) of the state’s All-State Arts Organizations;
 - (d) Earning statewide recognition or award at a skill- or knowledge-based state tournament, convention, or competition hosted by a statewide student organization, and/or qualifying for national recognition by a national student organization;
 - (e) Being selected as a National Merit Finalist or Semi-Finalist;
 - (f) Attaining a score of thirty-one (31) or higher composite score on the ACT or SAT equivalent;
 - (g) Attaining a score of three (3) or higher on at least two (2) advanced placement exams;
 - (h) Attaining a score of E/e or higher in at least two (2) Cambridge International Education A or AS exams;
 - (i) Successfully completing the International Baccalaureate Diploma Programme; or
 - (j) Earning twelve (12) or more semester hours of postsecondary credit.
- (28) LEAs shall recognize students who have attained a high level of proficiency in speaking, reading, and writing in one (1) or more languages in addition to English with a “Seal of Biliteracy.” Students receiving this recognition shall meet the following criteria:
- (a) Complete all English language arts (ELA) requirements for graduation with an overall grade point average of 3.0 or higher in those classes;
 - (b) Demonstrate English proficiency through one (1) of the following:
 - 1. Score at the on-track or mastered level on each ELA end-of-course assessment taken;
 - 2. Score three (3) or higher on an Advanced Placement English Language or English Literature exam; B1 or higher on a Cambridge International English exam; or four (4) or higher on an International Baccalaureate English exam;
 - 3. Score twenty-two (22) or higher on the ACT Reading subtest or four hundred eighty (480) or higher on the SAT evidence-based reading and writing subtest; or
 - 4. Attain the required score on the state-approved English language proficiency assessment listed in State Board English as a Second Language Programs Policy 3.207, if the student is an English learner; and
 - (c) Demonstrate proficiency in a world language through one (1) of the following:
 - 1. Score Intermediate-Mid or higher in all three (3) communication modes (interpersonal, interpretive, and presentational) on a world language proficiency assessment recognized by the American Council on the Teaching of Foreign Languages (ACTFL);

2. Score three (3) or higher on an Advanced Placement world language exam; B1 or higher on a Cambridge International world language exam; or four (4) or higher on an International Baccalaureate world language exam;
 3. Score at the Intermediate level or higher on the Sign Language Proficiency Interview (SLPI: ASL);
 4. Pass a foreign government's approved non-English language exam, or score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on another country's secondary level standardized exam in the country's non-English native language; or
 5. Score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on an LEA developed alternate model. Alternate models may only be used if the identified world language does not have an associated nationally recognized assessment and must address communication, cultures, connections, comparisons, and communities.
- (d) Each school shall document and track students' progress toward the Seal of Biliteracy.
- (e) Each local board shall affix an appropriate insignia to the diploma of the qualifying student indicating that the student has been awarded a Tennessee Seal of Biliteracy.
- (29) Students who voluntarily complete at least ten (10) hours of community service each semester the student is in attendance at a public high school shall be recognized at their graduation ceremony.
- (30) Students graduating with a gold or platinum medal on National Career Readiness Certificate (WorkKeys) shall be recognized at their graduation ceremony.
- (31) Students graduating with a district-developed work ethic distinction shall be recognized at their graduation ceremony.
- (32) Students who are interested in pursuing a career in a high-need, high-skill industry after graduation may earn an "Industry 4.0 diploma distinction." The student's school shall include on the student's transcript the Industry 4.0 distinction if the student fulfills all Industry 4.0 distinction requirements upon graduation.
- (a) Each public high school, including public charter high schools, shall notify ninth (9th) grade and tenth (10th) grade students enrolled in the high school of the opportunity to pursue an Industry 4.0 diploma distinction no later than ten (10) days after the first day of each semester of the school year.
 - (b) A high school student interested in receiving an Industry 4.0 diploma distinction shall before the end of their tenth (10th) grade year:
 1. Notify the student's counselor or school principal of the student's intent to pursue an Industry 4.0 diploma distinction;
 2. Provide the student's counselor or school principal with documentation signed by the student's parent or legal guardian indicating that the student's parent or legal guardian is aware of the requirements for the parent's or legal guardian's student to obtain an Industry 4.0 diploma distinction and consenting to the student's participation;
 3. Register with a regional American Job Center or other career counseling or community partner approved by the student's school; and
 4. Enroll in at least one (1) work-based learning or dual enrollment course for the

student's eleventh (11th) grade year.

- (c) Beginning in the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall meet, no less than once per month, with a career coach who has been approved to provide career coaching services by the student's school. The career coach must:
 - 1. Be an American Job Center career coach, a career coach from a career counseling or community partner approved by the United States Department of Labor's regional office for the state of Tennessee, or a licensed school counselor or an educator who holds a work-based learning certificate provided by the Department of Education; and
 - 2. Meet, no less than once per month during the school year, with students assigned to the career coach by the student's school principal to assist students in:
 - (i) Developing the personal attributes required for success in the workforce, which include, but are not limited to, time management, networking, communication, teamwork, creative thinking, and conflict resolution;
 - (ii) Applying for dual enrollment grants or other available financial aid opportunities, including, but not limited to, grants and scholarships administered by the Tennessee Student Assistance Corporation;
 - (iii) Identifying the best combination of dual enrollment, work-based learning, and internship opportunities available to the student; and
 - (iv) Preparing for standardized assessments such as the ACT.
- (d) Before the end of the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall enroll in work-based learning or dual enrollment courses for the student's twelfth (12th) grade year.
- (e) A student receiving an Industry 4.0 diploma distinction shall successfully complete all coursework required for graduation for their diploma type.
- (f) A student pursuing an Industry 4.0 diploma distinction may earn at least one (1) science credit and at least one (1) math credit through course substitutions approved by the State Board in its Graduation Substitutions Policy 3.103, including, but not limited to, dual enrollment and work-based learning courses that are aligned to a student's chosen career path. Work-based learning course substitutions may only fulfill a student's third (3rd) credit of science and/or fourth (4th) credit of math. Pursuant to State Board Rule 0520-01-03-.03 and State Board Graduation Substitutions Policy 3.103, high schools shall accept dual enrollment courses as a substitution for an aligned graduation requirement course.
- (g) A student receiving an Industry 4.0 diploma distinction shall earn nine (9) credits of dual enrollment or work-based learning in grades nine (9) through twelve (12), which may be satisfied by the student's successful completion of dual enrollment coursework, work-based learning experiences, on-the-job training, or other mentorships or structured educational experiences that allow the student to apply the student's knowledge and skills in a work environment to develop an understanding of workplace expectations.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005, 49-6-3104, 49-6-3105, 49-6-6001, and 49-6-8101, et seq.

AMEND the rules of the State Board of Education Chapter 0520-01-09 by amending Rule -.24, so that as amended, the revised Rules shall read:

**AMENDMENT
RULES OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

0520-01-09-.24 FUNCTIONAL BEHAVIOR ASSESSMENTS AND BEHAVIOR INTERVENTION PLANS.

- (1) A Functional Behavior Assessment shall be conducted by a group of at least three (3) individuals knowledgeable about the student, which may include as appropriate:
 - (a) The Parent of the child;
 - (b) At least one (1) special education teacher of the child;
 - (c) At least one (1) general education teacher of the child;
 - (d) Related Service provider(s);
 - (e) School psychologist;
 - (f) Other school personnel; and
 - (g) The student.
- (2) To the extent possible, the FBA process shall be led by a school psychologist, Licensed Behavior Analyst, or other school personnel trained to conduct FBAs.
- (3) An FBA shall be conducted to inform the development or revision of a Behavior Intervention Plan in any of the following situations:
 - (a) When a student receiving Special Education and Related Services engages in conduct that results in a change of placement as defined by 34 C.F.R. 300.536 and the LEA, the Parent, and relevant members of the IEP team determine that the student's conduct that gave rise to the change in placement was a manifestation of the child's disability;
 - (b) When an IEP provides for the use of restraint or isolation, as required by T.C.A. 49-10-1304(b);
 - (c) When the student exhibits a pattern of behaviors that impede their learning or that of others;
 - (d) When the student exhibits a pattern of behavior that places the student or others at risk of harm or injury;
 - (e) When the student's IEP team is considering a more restrictive placement as a result of the student's behavior; or
 - (f) When determined appropriate by the student's IEP team.
- (4) An FBA shall be conducted, as appropriate, to inform the development or revision of a BIP in the following situations:

- (a) When a student receiving Special Education and Related Services is removed from their current placement for more than ten (10) consecutive school days for behavior not determined to be a manifestation of the student's disability; or
 - (b) When a student receiving Special Education and Related Services is removed to an interim alternative education setting for up to forty-five (45) school days for weapons, drugs, or serious bodily injury, irrespective of whether the student's behavior is a manifestation of the student's disability;
- (5) An FBA shall include, at a minimum:
 - (a) Description of the problem or targeted behavior(s);
 - (b) Systematic observation of the events that immediately precede each display of the targeted behavior(s) and are associated with the display of the behavior(s);
 - (c) Systematic observation and analysis of the consequences following the display of the targeted behavior(s);
 - (d) Analysis of the antecedent/setting(s) or environment(s) in which the targeted behavior(s) occurs and the frequency of those behavior(s);
 - (e) Review of the student's educational and disciplinary records;
 - (f) Structured interviews with or surveys completed by the student's teachers, Parents, or school personnel, as determined by the group of individuals conducting the FBA, who regularly interact with the student, and when applicable, a student interview;
 - (g) Review of the history of the targeted behavior(s) to include the effectiveness of any intervention previously used; and
 - (h) Determination of whether a skill deficit is a contributing factor to the behavior(s).
 - 1. If the results of the FBA determine that a skill deficit is contributing to the target behavior(s), the IEP must include measurable annual goal(s) to address the skill deficit.
- (6) The group of individuals that conducts the FBA shall review the description of the problem or targeted behavior(s), the results of the assessment, and a hypothesis of the function of the behavior to develop a BIP.
- (7) The BIP shall include, at a minimum:
 - (a) A description of the behavior(s) and the frequency;
 - (b) A restatement of the hypothesized function of behavior(s);
 - (c) Measurable replacement behavior goals that align to the hypothesized function of behavior(s);
 - (d) Strategies for intervention, including but not limited to antecedent-based interventions, mitigating the consequences that reinforce the targeted behavior(s), and/or reinforcing identified replacement behavior(s) based on the results of the FBA;
 - (e) Identification of team members to teach appropriate replacement behaviors;
 - (f) A progress monitoring plan, including regular and frequent data collection and fidelity

checks;

- (g) A plan to train school personnel who interact regularly with the student on the intervention strategies identified in the student's BIP; and
 - (h) A description of the responses (i.e., consequences) or strategies required when the challenging behavior occurs (responses or strategies may include, but are not limited to extinction procedures, de-escalation, re-direction, or cost-response).
- (8) The BIP shall be based on the student's most recent FBA.
 - (9) The student's IEP team shall review the BIP at least annually during the student's annual IEP team meetings and revise the BIP as needed.
 - (10) A student's IEP team may develop an informal behavior plan for a student when the IEP team determines an FBA is not warranted due to the student's lower intensity behaviors.
 - (11) In a situation where a student has engaged in a pattern of behavior that places the student or others at risk of harm or injury, the IEP team may immediately determine a more restrictive environment is the student's least restrictive environment and move the student to that more restrictive environment prior to conducting an FBA or BIP. In such cases, the IEP team must ensure the FBA is conducted and BIP implemented in the appropriate environment and the student's IEP is revised to include a goal of returning the student to a less restrictive environment, as appropriate.

Authority: T.C.A. §§ 49-10-1301, et seq.; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter 652 of 2020; 34 C.F.R. § 300.114; and 34 C.F.R. § 300.301(c). **Administrative History:** Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020, and the rules reverted to their previous statuses. Emergency rule filed June 10, 2020; effective through December 7, 2020. Emergency rule expired effective December 8, 2020, and the rule reverted to its previous status. New rule filed March 29, 2022; effective June 27, 2022.

amended, the revised Rules shall read:

**AMENDMENT
RULES OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-11
INDIVIDUALIZED EDUCATION ACCOUNTS**

0520-01-11-.02 DEFINITIONS.

- (1) "Account Holder" means a parent as defined in subsection (18) of this section or a Participating Student who has attained the age of majority who signs the IEA contract, is the Account Holder for the IEA funds, and is responsible for complying with all of the requirements of the IEA Program.
- (2) "Act" means the Individualized Education Act.
- (3) "Active IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§ 300.320 through 300.324 that is being implemented on the date the application window for the IEA program closes.
- (4) "Agreement" means a document signed by an applicant and a designee of the Department, which qualifies the parent or student who has attained the age of majority to participate in the Program.
- (5) "Applicant" means the parent or legal guardian of a student, or student who has attained the age of majority, who has completed the Standard Application Form.
- (6) "Computer Hardware or Other Technological Devices" means computer hardware or technological devices approved by the Department or a licensed treating physician that is used for the student's educational needs. Computer hardware and technological devices shall meet one (1) of the following criteria:
 - (a) Is a required device for communication or for physical access to instruction due to the adverse impact of the disability for which the student qualifies to receive an IEA, or
 - (b) Allows a student to access instruction or instructional content.
- (7) "Criminal Background Check" at a minimum shall include, but not be limited to, a check of the following: Tennessee's Sex Offender Registry and the Abuse Registry of the Tennessee Department of Health. All providers as defined in subsection (23) of this section and employers of providers shall maintain documentation that any persons providing services to Participating Students have undergone a fingerprint-based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation (FBI) for processing pursuant to the National Child Protection Act. All participating schools shall maintain documentation that all persons working on school grounds when students are present and/or providing services to students have undergone a fingerprint-based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation for processing pursuant to the National Child Protection Act. Individual contractors not employed by an organization shall fulfill the background check requirements by completing a fingerprint-based criminal history records check conducted by the FBI.
- (8) "Department" means the Tennessee Department of Education.

- (9) "Educational Therapies" means:
- (a) Individualized services designed to develop or improve academic performance through instructional and therapeutic techniques, and provided by licensed therapists who meet the requirements set by the Department and the State Board of Education as further defined in the Department's IEA handbook or by therapist assistants who meet the requirements set by the Department and the State Board of Education as further defined in the Department's IEA handbook and who provide the services under the direct supervision of a licensed therapist; or
 - (b) Tactile manipulatives recommended by the licensed therapist for the Participating Student pursuant to guidelines set forth by the Department.
- (10) "Eligible Postsecondary Institution" means a Tennessee public community college, college of applied technology, or university of the University of Tennessee system or a locally governed state university within the Tennessee Board of Regents systems, or an accredited private postsecondary institution accredited by one (1) of the following: any accreditation division of Cognia (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), or the Council on Occupational Education (COE).
- (11) "Eligible Student" means:
- (a) A resident of this state in grades kindergarten through twelve (K-12) with an Active Individualized Education Program (IEP) in accordance with 34 C.F.R §§ 300 et seq., T.C.A. § 49-10-102, and regulations of the State Board of Education with one (1) of the following qualifying disabilities as defined by the rules of the State Board of Education 0520-01-09-.02 as the primary or secondary disability in effect at the time the Department receives the request for participation in the Program. For purposes of this Chapter, the Department receives the request for participation in the Program on the date the application window for the IEA program closes. Qualifying disabilities for eligible students are identified in T.C.A. § 49-10-1402.
 - (b) Meets at least one (1) of the following requirements:
 - 1. Was previously enrolled in and attended a Tennessee public school for the one (1) full school year immediately preceding the school year in which the student receives an Individualized Education Account (IEA). For the purposes of these rules, one (1) full school year means that the student was counted in the enrollment figures for the LEA(s) for the entire school year as reported in the state's student information system;
 - 2. Has not previously attended a K-12 school in Tennessee, but is currently eligible to enroll in a kindergarten program in a public school in this state. Students meeting this eligibility requirement shall inform the LEA in which they reside of the student's intent to participate in the program prior to July 1 of the year in which they are enrolled in the IEA Program;
 - 3. Has not previously attended a school in Tennessee for the duration of one (1) full school year immediately preceding the school year in which the student receives an IEA, and moved to Tennessee less than one (1) year prior to the date of enrollment in the IEA Program; or
 - 4. Received an IEA in the previous school year.

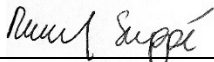
- (12) "Fee-for-Service Transportation Provider" means a commercial transportation provider including a taxi or bus service. It does not include private transportation by a parent or Participating Student in accordance with the conflict of interest provision in these rules.
- (13) "Financial Institution" or "Private Financial Management Firm" means an institution selected by the Department to administer the individualized education accounts.
- (14) "IEA" means a Tennessee Individualized Education Account.
- (15) "Inclusive Educational Setting" means that the Participating School provides a setting that meets the following two (2) criteria:
 - (a) Students with disabilities are educated with students who do not have disabilities; and
 - (b) No more than fifty percent (50%) of the students in an individual classroom or setting are students with disabilities.

- (16) "ISP" means an Individualized Service Plan and is a written statement that describes the special education and related services to be provided by an LEA to a student who is eligible under Individuals with Disabilities Education Act at 20 U.S.C. §§ 1400, et seq., but has been enrolled in a non-public school or independent home school by the student's Parent.
- (17) "Local Education Agency (LEA)," "School System," "Public School System," "Local School System," "School District," or "Local School District" means any county school system, city school system, special school district, unified school system, metropolitan school system or any other local public school system or school district created or authorized by the general assembly.
- (18) "Non-public Online Learning Program or Course" means online programs or courses that meet the requirements set by the Department.
- (19) "Parent" means the parent, legal guardian, person who has custody of the child, or person with caregiving authority for the child.
- (20) "Participating School" means a non-public school that meets the requirements established in T.C.A. §§ 49-10-1401, et seq. and seeks to enroll eligible students.
- (21) "Participating Student" means an eligible student whose parent is participating in the IEA Program or an eligible student who has attained the age of majority and is participating in the IEA Program.
- (22) "Physician" means a person licensed under T.C.A. Title 63, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10, Chapter 11, Chapter 14, Chapter 16, Chapter 17, Chapter 19, Chapter 22, Chapter 23, Chapter 24, or Chapter 25.
- (23) "Program" means the Individualized Education Account (IEA) Program created in T.C.A. §§ 49-10-1401, et seq.
- (24) "Provider" means an individual or business that meets the requirements set by the State Board of Education and the Tennessee Department of Education.
- (25) "Standard Application Form" means a document whereby an Applicant may seek to establish an Individualized Education Account (IEA).
- (26) "Tutoring Services" means services provided by a tutor who meets the requirements set by the Department.

Authority: T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020. Amendments filed December 27, 2021; effective March 27, 2022. Amendments filed January 26, 2023; effective April 26, 2023. Amendments filed January 24, 2024; effective April 23, 2024.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/30/25

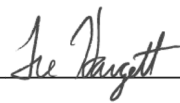
Signature: 

Name of Officer: Rachel Suppé

Title of Officer: General Counsel

Department of State Use Only

Filed with the Department of State on: 5/30/2025


Tre Hargett
Secretary of State

RECEIVED

May 30 2025, 2:51 pm

Secretary of State
Division of Publications

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	N/A
Contact Person:	Rachel Suppé
Address:	500 James Robertson Parkway, Nashville, Tennessee
Zip:	37243
Phone:	615-253-5707
Email:	rachel.suppe@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Rachel Suppé
Address:	500 James Robertson Parkway, Nashville, Tennessee 37243
Phone:	615-253-5707
Email:	rachel.suppe@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway, Nashville, Tennessee		
Address 2:	1st Floor - Conference Room 1B		
City:	Nashville		
Zip:	37243		
Hearing Date:	07/24/2025		
Hearing Time:	10:00 a.m.	x CST/CDT	EST/EDT

Additional Hearing Information:

****Anyone seeking to participate electronically may access the hearing using the following information:****

URL: <https://tn.webex.com/tn/j.php?MTID=mc867c1027122f2fafb4e334eadc27cd2>

Meeting number: 2307 438 6422

Password: SBERules

Phone: 615-747-4911

Access Code: 2307 438 6422

Please check the State Board's website at <https://www.tn.gov/sbe/meetings.html> for any additional information regarding this rulemaking hearing.

Oral comments are invited at the hearing.

Written comments may be submitted via email at SBE.RuleMaking.Public.Comments@tn.gov or mailed to:

Tennessee State Board of Education

500 James Robertson Parkway, Nashville, Tennessee 37243

Attention: Rachel Suppé

To ensure consideration, written comments must be received by 9:00 a.m. Central Time, July 29, 2025.

Revision Type (check all that apply):

☒ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0520-01-25	Innovative School Districts
Rule Number	Rule Title
0520-01-25-.01	Purpose
0520-01-25-.02	Definitions
0520-01-25-.03	Eligibility
0520-01-25-.04	Application
0520-01-25-.05	Funding and Operation
0520-01-25-.06	Reporting
0520-01-25-.07	Appeals
0520-01-25-.08	Future Educational Needs

Chapter Number	Chapter Title
0520-01-03	Academic and Instructional Requirements
Rule Number	Rule Title
0520-01-03-.06	Graduation Requirements

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.24	Functional Behavior Assessments and Behavior Intervention Plans

Chapter Number	Chapter Title
0520-01-11	Individualized Education Accounts
Rule Number	Rule Title
0520-01-11-.02	Definitions

NEW RULE

The Rules of the State Board of Education are amended by adding Chapter 0520-01-25, a table of contents, and rules .01 through .08, so that as amended it shall read:

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-25 INNOVATIVE SCHOOL DISTRICTS

TABLE OF CONTENTS

<u>0520-01-25-.01</u>	<u>Purpose</u>	<u>0520-01-25-.05</u>	<u>Funding and Operation</u>
<u>0520-01-25-.02</u>	<u>Definitions</u>	<u>0520-01-25-.06</u>	<u>Reporting</u>
<u>0520-01-25-.03</u>	<u>Eligibility</u>	<u>0520-01-25-.07</u>	<u>Appeals</u>
<u>0520-01-25-.04</u>	<u>Application</u>	<u>0520-01-25-.08</u>	<u>Future Educational Needs</u>

0520-01-25-.01 PURPOSE.

The purpose of these rules is to effectuate the Innovative School District Act as required by T.C.A. §§ 49-8-1501, et seq.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.02 DEFINITIONS.

- (1) "Department" means the Tennessee Department of Education.
- (2) "Doctoral-Extensive Institution" means a Research One (R1) or Research Two (R2) institution as set by the Carnegie Classification of Institutions of Higher Education.
- (3) "Innovative School District (ISD)" means a local education agency (LEA), as defined in § 49-1-103, composed of a school or schools serving students in any of the grades pre-Kindergarten through twelve (12) as Training Schools operated by a Tennessee Public University that is approved by the Department to operate an Innovative School District.
- (4) "Public University" means a Tennessee public university approved by the Tennessee Higher Education Commission to grant bachelor's degrees.
- (5) "State Board" means the Tennessee State Board of Education.
- (6) "Training School" means a public school authorized under T.C.A. § 49-8-105 that serves students in any of the grades pre-kindergarten through twelve (pre-K-12) and that is affiliated with a public institution of higher education in this state, to pilot and model high-quality innovative educational practices and teacher training programs, to stimulate innovative educational programs, to promote robust educational research and practice, to provide opportunities for innovation in instruction, and to provide avenues for delivering innovative course programs aligned to the needs of this state through model programs.

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.03 ELIGIBILITY.

- (1) A Public University may apply to the Department to operate an ISD if the Public University:
 - a. Is classified as a Doctoral-Extensive Institution;
 - b. Operates a Training School that includes pre-Kindergarten through any of the grades nine (9) through twelve (12); and

c. Provides transfer student enrollment opportunities pursuant to T.C.A. § 49-2-128.

(2) An ISD shall be located in a county in which the Public University maintains a campus, meaning that the Public University has a physical presence in the county where students of the Public University who are not pre-K-12 students regularly attend classes.

(3) An ISD shall not be eligible to authorize public charter schools.

(4) The University of Memphis is authorized to operate the innovative school district pursuant to T.C.A. § 49-8-1503(b).

Authority: T.C.A. §§ 49-8-1501, et seq. **Administrative History:** Original rules filed; effective.

0520-01-25-.04 APPLICATION.

(1) The Department shall develop an application, and a rubric for evaluating the application, by which a Public University that operates a Training School may apply to the Department to become authorized as an ISD.

a. The Department shall post the application, the timeline for application and review, and the evaluation rubric on its website.

(2) The Public University shall complete the application and provide all documents and information requested by the Department on a timeline set by the Department.

(3) The application shall include, but is not limited to, descriptions of:

a. The proposed ISD's instructional programming, including how the ISD will:

i. Provide sequential instruction to students and educate students using textbooks and instructional materials approved by the State Board of Education and educational programming aligned to the Tennessee Academic Standards adopted by the State Board and that generate new and innovative educational models to advance early childhood literacy and workforce-aligned education;

ii. Pilot and model high-quality, innovative educational practices and teaching training programs;

iii. Promote robust educational research and practice;

iv. Provide opportunities for innovation in instruction; and

v. Provide avenues for delivering innovative course programs, including an explanation for how those course programs are aligned to the future educational needs of Tennessee as defined in chapter 0520-01-25-.08 of these Rules;

b. The proposed ISD's plans for serving:

i. Students with disabilities pursuant to federal and state law and State Board Rule 0520-01-09 and through practices informed by the ISD's research and evaluation goals;

ii. Students who are English learners pursuant to federal and state law and State Board Rule 0520-01-19; and

iii. Students with characteristics of dyslexia pursuant to federal and state law and State Board Rules 0520-01-22;

- c. The proposed governance structure of the ISD pursuant to T.C.A. § 49-8-1503 and T.C.A. § 49-8-1510;
- d. The ISD's staffing and evaluation plans for teachers and school leaders pursuant to T.C.A. § 49-8-1507;
- e. The ISD's research plan is in alignment with Chapter 0520-01-25-.06 of these Rules; and
- f. Signed assurances that the chief administrator and the general counsel of the Public University applying for an ISD understand and shall comply with all federal and state laws, rules, and regulations in the same manner as other LEAs.

(4) The Department shall evaluate applications according to its rubric and shall, in writing, inform applicants of its decision within sixty (60) calendar days of the application deadline.

(5) Prior to beginning operation as an ISD, the Public University with a Department-approved plan for an ISD shall participate in a one-year planning period with readiness indicators established by the Department and posted on the Department's website. If, during the planning period, the Public University fails to meet deadlines or readiness indicators, the Department may revoke approval or require a one-time extension for one additional planning year.

(6) The University of Memphis is authorized pursuant to T.C.A. § 49-8-1503(b). The application requirements listed in this chapter shall not apply to the ISD operated by the University of Memphis.

Authority: *T.C.A. §§ 49-8-1501, et seq.* **Administrative History:** *Original rules filed; effective.*

0520-01-25-.05 FUNDING AND OPERATION.

(1) Pursuant to T.C.A. § 49-8-1506, ISDs shall receive, control, and expend local, state, and federal funds for schools in their jurisdiction in the same manner as other LEAs.

(2) If a Training School transitions from being operated pursuant to a contract between an LEA and a Public University pursuant to T.C.A. § 49-8-105 to being operated as part of an ISD, the LEA shall, for the first school year that the Training School is operated as part of the ISD, provide the governing body for a Public University that operates the ISD with the same level of support for the operation of the Training School as the LEA provided to the Public University under the contract.

- a. Level of support for the operation of the Training School shall include any mutually agreed-upon support services provided by the LEA to the Training School, including but not limited to nutrition programs, special education, or transportation. This level support is separate from the ISD's funding pursuant to paragraph (1) of this Rule.

Authority: *T.C.A. §§ 49-8-1501, et seq.* **Administrative History:** *Original rules filed; effective.*

0520-01-25-.06 REPORTING.

(1) Pursuant to T.C.A. § 49-8-1504(b), the ISD, in collaboration with the Department, shall annually, on a timeline set by the Department, determine the research, practice, and professional development goals for the ISD in addition to the professional development requirements for all other LEAs and established by law.

(2) Pursuant to T.C.A. § 49-8-1508, beginning January 15 following one (1) full school year of operation of an ISD and each January 15 thereafter, the local board of education for an ISD shall provide a report to the Department including:

- a. Findings and recommendations based on the research goals; and

b. Compliance data for the practice and professional development goals.

(3) Upon request, the Department shall transmit the annual ISD reports to the State Board, Tennessee General Assembly, or Office of the Governor.

(4) The ISD shall participate in any monitoring requirements that apply to LEAs, including the Department's processes for monitoring compliance with federal and state laws and State Board of Education rules.

Authority: T.C.A. §§ 49-8-1501, et seq. ***Administrative History:*** Original rules filed; effective.

0520-01-25-.07 APPEALS.

(1) A Public University may appeal the Department's determinations to:

a. Deny approval to operate an ISD;

b. Revoke approval during the one-year planning period; or

c. Require a one-time, one-year extension during the planning period.

(2) All appeals shall be submitted on the appeals form provided on the Department's website. If an appeal is not submitted on the appropriate appeal form or by the requisite deadline, the appeal shall be denied.

(3) Appeals shall follow the following two-step process:

a. Step one appeals shall be reviewed by the Department. Step one appeals must be submitted to the Department within fourteen (14) calendar days of the Department electronically sending the determination that is being appealed. The day that the Department sends the determination shall not count as part of the fourteen (14) calendar days. The Commissioner or Commissioner's designee shall make a determination and issue an electronic notification to the appealing party within forty-five (45) calendar days of receiving the step one appeal.

b. If the Department denies the step one appeal, the appealing party may file a step two appeal. Step two appeals shall be reviewed by an administrative law judge in accordance with the procedures set forth in the Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301 et seq. Step two appeals must be submitted to the Department within thirty (30) calendar days of the Department electronically sending the step one determination. The day that the Department sends the step one determination shall not count as part of the thirty (30) calendar days.

(4) If the deadline to submit an appeal falls on a weekend or state holiday, the appeal shall be considered timely submitted if it is received by the next business day after the weekend or state holiday.

(5) If an appeal is not timely submitted, the appeal shall be deemed denied.

Authority: T.C.A. §§ 49-8-1501, et seq. ***Administrative History:*** Original rules filed; effective.

0520-01-25-.08 FUTURE EDUCATIONAL NEEDS.

(1) Future educational needs of Tennessee are defined as needs identified in one (1) or more of the following:

a. The State Board's current Master Plan;

b. The Department's current Strategic Plan; or

c. Tennessee's State Plan prepared to meet the requirements of the Carl D. Perkins Career and Technical Education Act.

(2) The ISD shall indicate in its application how its instructional programs meet the future educational needs of Tennessee according to the one (1) or more of the documents listed in this section.

Authority: *T.C.A. §§ 49-8-1501, et seq.* **Administrative History:** *Original rules filed; effective.*

AMEND the rules of the State Board of Education Chapter 0520-01-03 by amending Rule -.06, so that as amended, the revised Rules shall read:

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-03
ACADEMIC AND INSTRUCTIONAL**

REQUIREMENTS

0520-01-03-.06 GRADUATION REQUIREMENTS.

- (1) Students in Tennessee may earn the following diploma options:
 - (a) Traditional high school diploma;
 - (b) Special education high school diploma;
 - (c) Occupational high school diploma; or
 - (d) Alternate academic high school diploma.
- (2) In order to earn a traditional high school diploma, a student shall:
 - (a) Earn the following twenty-two (22) minimum credits required for graduation:

English language arts	4 credits
Mathematics	4 credits
Science	3 credits
Social Studies	3 credits
Physical Education	0.5 credit
Lifetime Wellness	1 credit
Personal Finance	0.5 credit
Elective Focus	3 credits
World Language	2 credits
Fine Arts	1 credit
 - (b) Beginning with students who enroll in ninth (9th) grade in the 2024-25 school year or any subsequent school year, earn at least one (1) credit of computer science in high school;
 1. Students may fulfill this requirement by substituting computer science for the student's fourth credit of mathematics, third credit of science, or an elective focus credit. Students may only use computer science as a substitution to fulfill one (1) credit in mathematics, or one (1) credit in science, or one (1) or more elective focus credits required for a traditional high school diploma.
 2. Students who transfer from another state or country, or from a non-public school to a Tennessee high school during their twelfth (12th) grade year are exempt from this requirement.
 - (c) Participate in the ACT, SAT, or other eleventh (11th) grade postsecondary readiness assessment as determined by the Commissioner, unless the student qualifies for a limited medical exemption as defined by the Department; and
 - (d) Have a satisfactory record of attendance and discipline;

- (3) Beginning in the 2024-25 school year, each public high school shall offer its students access to at least one (1) credit of computer science education.
- (4) To earn a traditional high school diploma, students with disabilities must earn the prescribed twenty-two (22)-credit minimum. Students with disabilities shall be included in general education classes to the degree possible and with appropriate support and accommodations.
- (5) A special education diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP; and
 - (c) Have satisfactory records of attendance and conduct.
- (6) Students who obtain the special education diploma may continue to work toward a traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (7) An occupational diploma may be awarded at the end of the fourth (4th) year of high school to students with disabilities who:
 - (a) Have not met the requirements for a traditional high school diploma;
 - (b) Have satisfactorily completed an IEP;
 - (c) Have satisfactory records of attendance and conduct;
 - (d) Have completed the occupational diploma Skills, Knowledge, and Experience Mastery Assessment (SKEMA) created by the Department of Education; and
 - (e) Have completed two (2) years of paid or non-paid work experience.
- (8) The determination that an occupational diploma is the goal for a student with a disability shall be made at the conclusion of the student's tenth (10th) grade year or two (2) academic years prior to the expected graduation date. Students who obtain the occupational diploma may continue to work towards the traditional high school diploma through the end of the school year in which they turn twenty-two (22) years old.
- (9) An alternate academic diploma may be awarded to students with significant cognitive disabilities at the end of their fourth (4th) year of high school who have:
 - (a) Participated in the high school alternate assessments;
 - (b) Earned the prescribed twenty-two (22) credit minimum, including at least one (1) credit of computer science in accordance with subparagraph (2)(b) beginning with students who enroll in the ninth (9th) grade in the 2024-25 school year or any subsequent school year, either through the state- approved standards or through alternate academic diploma modified course requirements approved by the State Board;
 - (c) Received special education services or supports and made satisfactory progress on an IEP;
 - (d) Satisfactory records of attendance and conduct; and
 - (e) Completed a transition assessment(s) that measures, at a minimum, preparedness for postsecondary education and training; employment; independent living; and community

involvement.

- (10) A student who earns an alternate academic diploma shall continue to be eligible for special education services under IDEA until he or she receives a traditional high school diploma or through the school year in which the student turns twenty-two (22).
- (11) The required four (4) credits of English shall include English I, English II, English III, and English IV.
- (12) Three (3) of the required (4) credits of mathematics shall include Algebra I, Algebra II, and Geometry, or the equivalent Integrated Math I, II, and III. The fourth (4th) credit shall be in another mathematics course that extends the student's knowledge in mathematics which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
 - (a) Beginning with students graduating in the 2024-25 school year and thereafter, students shall be enrolled in a mathematics course or courses that are approved course substitutions that count as meeting this requirement in at least three (3) years of high school.
 - (b) Students who complete any of the required math credits prior to the ninth (9th) grade shall receive graduation credit for that coursework; however, those students are still required to enroll in math in at least three (3) years of high school.
 - (c) Students with a qualifying disability who have deficits in mathematics as documented in the individualized education program (IEP) shall be required to achieve at least Algebra I and Geometry (or the equivalent Integrated Math I and Integrated Math II). The required number of credits in math will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (13) The three (3) credits of science shall include Biology, Chemistry or Physics, and a third lab science which may include, but is not limited to, Computer Science as set forth in Paragraph (2)(b) of this Rule.
 - (a) Students with a qualifying disability as documented in the IEP shall be required to achieve at least Biology I and two (2) other lab science credits. The required number of credits in science will be achieved through strategies such as, but not limited to, increased time, appropriate methodologies, and accommodations as determined by the IEP team.
- (14) The three (3) credits of social studies shall include United States History and Geography, World History and Geography, Economics, and United States Government and Civics.
- (15) Students must earn one-half ($\frac{1}{2}$) credit in Personal Finance. One (1) JROTC course may be substituted for one-half ($\frac{1}{2}$) credit of Personal Finance if the JROTC instructor attends the Personal Finance training conducted by the Department.
- (16) The two (2) world language credits must be earned in the same world language.
- (17) The three (3) elective focus credits may be earned in CTE, science and math, humanities, fine arts, AP/IB, computer science, or other areas designed to prepare students for the workforce and postsecondary approved by the local board of education.
 - (a) Students completing a CTE elective focus must complete three (3) credits in the same CTE career cluster or state-approved program of study.
 - (b) The credit requirement for fine arts or world language may be waived by the director of schools for students, under certain circumstances, to expand and enhance the elective

focus. Prior to waiver of the requirement for fine arts or world language, the student's parent or guardian must agree to the waiver in writing.

- (c) The director of schools may waive the third (3rd) credit requirement of the elective focus during a student's 12th grade year if the completion of the third (3rd) elective focus credit would prevent or delay graduation. This waiver option includes those students who transfer during the eleventh (11th) or twelfth (12th) grade year to a Tennessee high school from a school in another state or country, or from a non-public school.
- (18) The State Board Graduation Substitutions Policy 3.103 identifies courses that are approved as substitutions for certain graduation credit requirements.
- (19) All full-time students in grades nine (9) through twelve (12) shall be enrolled each semester in subjects that produce a minimum of five (5) units of credit for graduation per year. Students with hardships and gifted students may appeal this requirement to the director of schools and then to the local board of education.
- (20) Every local board of education shall develop a policy regarding the minimum and maximum units in any course or subject area for which a student may earn credit toward graduation.
- (21) A public high school student may complete an early high school graduation program through the Move on When Ready Program and be eligible for unconditional entry into a public two (2)-year institution of higher education or conditional entry into a public four (4)-year institution of higher education in accordance with T.C.A. §§ 49-6-8101 - 49-6-8106 and the State Board's High School Policy 2.103. A student who does not participate in the Move on When Ready Program may still graduate earlier than the end of their 12th grade year of high school, provided the student meets all graduation requirements for a traditional high school diploma set forth in this Rule, the State Board's High School Policy 2.103, and any additional requirements for early graduation set by the LEA.
- (22) A variety of honors and distinctions may be awarded to graduating students meeting state or locally specified criteria. Each local school board shall develop a policy prescribing how students meeting honors and distinctions requirements will be noted and recognized.
- (23) LEAs may design student recognition programs that allow students to graduate with honors if they have met the graduation requirements and have attained an overall grade point average (GPA) of at least a 3.0 or higher on a 4.0 scale. LEAs may set a higher GPA at their discretion. LEAs may specify additional requirements, such as requiring students to demonstrate performance of distinction in one (1) or more areas.
- (24) Students who score at or above all the subject area readiness benchmarks on the ACT or equivalent score on the SAT shall graduate with "state honors."
- (25) Students shall be recognized as graduating with "district distinction" if they have met the graduation requirements for their diploma type, have obtained an overall GPA of at least a 3.0 or higher on a 4.0 scale, and have earned an industry credential that was on the list promoted by the Department of Education at the time the student earned it.
- (26) A student who earns a composite score of nineteen (19) or higher on the ACT, or an equivalent score on the SAT, and earns a capstone industry credential as promoted by the Department of Education, shall be recognized as a "Tennessee Tri-Star Scholar" upon graduation from high school. A student who fulfills the requirements of the Tennessee Work Ethic Distinction program shall also be recognized as a Tennessee Tri-Star Scholar upon graduation from high school. The public high school shall recognize the student's achievement at the graduation ceremony by placing an appropriate designation on the student's diploma, or other credential, or by providing a ribbon or cord to be worn with graduation regalia. The student shall be noted as a Tennessee Tri-Star Scholar in the school's graduation program.

- (27) Students will be recognized as graduating with “state distinction” by attaining a B or better grade point average and completing one (1) of the following:
- (a) Earning an industry credential that was on the list promoted by the Department of Education at the time the student earned it;
 - (b) Participating in at least one (1) of the Governor’s Schools;
 - (c) Participating in one (1) of the state’s All-State ~~Arts~~~~musical~~ Organizations;
 - (d) Earning statewide recognition or award at a skill- or knowledge-based state tournament, convention, or competition hosted by a statewide student organization, and/or qualifying for national recognition by a national student organization;
 - (e) Being selected as a National Merit Finalist or Semi-Finalist;
 - (f) Attaining a score of thirty-one (31) or higher composite score on the ACT or SAT equivalent;
 - (g) Attaining a score of three (3) or higher on at least two (2) advanced placement exams;
 - (h) Attaining a score of E/e or higher in at least two (2) Cambridge International Education A or AS exams;
 - (i) Successfully completing the International Baccalaureate Diploma Programme; or
 - (j) Earning twelve (12) or more semester hours of postsecondary credit.
- (28) LEAs shall recognize students who have attained a high level of proficiency in speaking, reading, and writing in one (1) or more languages in addition to English with a “Seal of Biliteracy.” Students receiving this recognition shall meet the following criteria:
- (a) Complete all English language arts (ELA) requirements for graduation with an overall grade point average of 3.0 or higher in those classes;
 - (b) Demonstrate English proficiency through one (1) of the following:
 - 1. Score at the on-track or mastered level on each ELA end-of-course assessment taken;
 - 2. Score three (3) or higher on an Advanced Placement English Language or English Literature exam; B1 or higher on a Cambridge International English exam; or four (4) or higher on an International Baccalaureate English exam;
 - 3. Score twenty-two (22) or higher on the ACT Reading subtest or four hundred eighty (480) or higher on the SAT evidence-based reading and writing subtest; or
 - 4. Attain the required score on the state-approved English language proficiency assessment listed in State Board English as a Second Language Programs Policy 3.207, if the student is an English learner; and
 - (c) Demonstrate proficiency in a world language through one (1) of the following:
 - 1. Score Intermediate-Mid or higher in all three (3) communication modes (interpersonal, interpretive, and presentational) on a world language proficiency assessment recognized by the American Council on the Teaching of Foreign Languages (ACTFL);

2. Score three (3) or higher on an Advanced Placement world language exam; B1 or higher on a Cambridge International world language exam; or four (4) or higher on an International Baccalaureate world language exam;
 3. Score at the Intermediate level or higher on the Sign Language Proficiency Interview (SLPI: ASL);
 4. Pass a foreign government's approved non-English language exam, or score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on another country's secondary level standardized exam in the country's non-English native language; or
 5. Score at a level comparable to Intermediate-Mid or higher on the ACTFL proficiency scale on an LEA developed alternate model. Alternate models may only be used if the identified world language does not have an associated nationally recognized assessment and must address communication, cultures, connections, comparisons, and communities.
- (d) Each school shall document and track students' progress toward the Seal of Biliteracy.
- (e) Each local board shall affix an appropriate insignia to the diploma of the qualifying student indicating that the student has been awarded a Tennessee Seal of Biliteracy.
- (29) Students who voluntarily complete at least ten (10) hours of community service each semester the student is in attendance at a public high school shall be recognized at their graduation ceremony.
- (30) Students graduating with a gold or platinum medal on National Career Readiness Certificate (WorkKeys) shall be recognized at their graduation ceremony.
- (31) Students graduating with a district-developed work ethic distinction shall be recognized at their graduation ceremony.
- (32) Students who are interested in pursuing a career in a high-need, high-skill industry after graduation may earn an "Industry 4.0 diploma distinction." The student's school shall include on the student's transcript the Industry 4.0 distinction if the student fulfills all Industry 4.0 distinction requirements upon graduation.
- (a) Each public high school, including public charter high schools, shall notify ninth (9th) grade and tenth (10th) grade students enrolled in the high school of the opportunity to pursue an Industry 4.0 diploma distinction no later than ten (10) days after the first day of each semester of the school year.
 - (b) A high school student interested in receiving an Industry 4.0 diploma distinction shall before the end of their tenth (10th) grade year:
 1. Notify the student's counselor or school principal of the student's intent to pursue an Industry 4.0 diploma distinction;
 2. Provide the student's counselor or school principal with documentation signed by the student's parent or legal guardian indicating that the student's parent or legal guardian is aware of the requirements for the parent's or legal guardian's student to obtain an Industry 4.0 diploma distinction and consenting to the student's participation;
 3. Register with a regional American Job Center or other career counseling or community partner approved by the student's school; and
 4. Enroll in at least one (1) work-based learning or dual enrollment course for the

student's eleventh (11th) grade year.

- (c) Beginning in the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall meet, no less than once per month, with a career coach who has been approved to provide career coaching services by the student's school. The career coach must:
1. Be an American Job Center career coach, a career coach from a career counseling or community partner approved by the United States Department of Labor's regional office for the state of Tennessee, or a licensed school counselor or an educator who holds a work-based learning certificate provided by the Department of Education; and
 2. Meet, no less than once per month during the school year, with students assigned to the career coach by the student's school principal to assist students in:
 - (i) Developing the personal attributes required for success in the workforce, which include, but are not limited to, time management, networking, communication, teamwork, creative thinking, and conflict resolution;
 - (ii) Applying for dual enrollment grants or other available financial aid opportunities, including, but not limited to, grants and scholarships administered by the Tennessee Student Assistance Corporation;
 - (iii) Identifying the best combination of dual enrollment, work-based learning, and internship opportunities available to the student; and
 - (iv) Preparing for standardized assessments such as the ACT.
- (d) Before the end of the student's eleventh (11th) grade year, a student pursuing an Industry 4.0 diploma distinction shall enroll in work-based learning or dual enrollment courses for the student's twelfth (12th) grade year.
- (e) A student receiving an Industry 4.0 diploma distinction shall successfully complete all coursework required for graduation for their diploma type.
- (f) A student pursuing an Industry 4.0 diploma distinction may earn at least one (1) science credit and at least one (1) math credit through course substitutions approved by the State Board in its Graduation Substitutions Policy 3.103, including, but not limited to, dual enrollment and work-based learning courses that are aligned to a student's chosen career path. Work-based learning course substitutions may only fulfill a student's third (3rd) credit of science and/or fourth (4th) credit of math. Pursuant to State Board Rule 0520-01-03-.03 and State Board Graduation Substitutions Policy 3.103, high schools shall accept dual enrollment courses as a substitution for an aligned graduation requirement course.
- (g) A student receiving an Industry 4.0 diploma distinction shall earn nine (9) credits of dual enrollment or work-based learning in grades nine (9) through twelve (12), which may be satisfied by the student's successful completion of dual enrollment coursework, work-based learning experiences, on-the-job training, or other mentorships or structured educational experiences that allow the student to apply the student's knowledge and skills in a work environment to develop an understanding of workplace expectations.

Authority: T.C.A. §§ 49-1-302, 49-1-302(a)(2) and (13), 49-6-101, 49-6-201, 49-6-3001(c) and (c)(1), 49-6-3003, 49-6-3005, 49-6-3104, 49-6-3105, 49-6-6001, and 49-6-8101, et seq.

AMEND the rules of the State Board of Education Chapter 0520-01-09 by amending Rule -.24, so that as amended, the revised Rules shall read:

**AMENDMENT
RULES OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-09
SPECIAL EDUCATION PROGRAMS AND SERVICES**

0520-01-09-.24 FUNCTIONAL BEHAVIOR ASSESSMENTS AND BEHAVIOR INTERVENTION PLANS.

- (1) A Functional Behavior Assessment shall be conducted by a group of at least three (3) individuals knowledgeable about the student, which may include as appropriate:
 - (a) The Parent of the child;
 - (b) At least one (1) special education teacher of the child;
 - (c) At least one (1) general education teacher of the child;
 - (d) Related Service provider(s);
 - (e) School psychologist;
 - (f) Other school personnel; and
 - (g) The student.
- (2) To the extent possible, the FBA process shall be led by a school psychologist, Licensed Behavior Analyst, or other school personnel trained to conduct FBAs.
- (3) An FBA shall be conducted to inform the development or revision of a Behavior Intervention Plan in any of the following situations:
 - (a) When a student receiving Special Education and Related Services engages in conduct that results in a change of placement as defined by 34 C.F.R. 300.536 and the LEA, the Parent, and relevant members of the IEP team determine that the student's conduct that gave rise to the change in placement was a manifestation of the child's disability;
 - (b) When an IEP provides for the use of restraint or isolation, as required by T.C.A. 49-10-1304(b);
 - (c) When the student exhibits a pattern of behaviors that impede their learning or that of others;
 - (d) When the student exhibits a pattern of behavior that places the student or others at risk of harm or injury;
 - (e) When the student's IEP team is considering a more restrictive placement as a result of the student's behavior; or
 - (f) When determined appropriate by the student's IEP team.
- (4) An FBA shall be conducted, as appropriate, to inform the development or revision of a BIP in the following situations:

- (a) When a student receiving Special Education and Related Services is removed from their current placement for more than ten (10) consecutive school days for behavior not determined to be a manifestation of the student's disability; or
 - (b) When a student receiving Special Education and Related Services is removed to an interim alternative education setting for up to forty-five (45) school days for weapons, drugs, or serious bodily injury, irrespective of whether the student's behavior is a manifestation of the student's disability;
- (5) An FBA shall include, at a minimum:
 - (a) Description of the problem or targeted behavior(s);
 - (b) Systematic observation of the events that immediately precede each display of the targeted behavior(s) and are associated with the display of the behavior(s);
 - (c) Systematic observation and analysis of the consequences following the display of the targeted behavior(s);
 - (d) Analysis of the antecedent/setting(s) or environment(s) in which the targeted behavior(s) occurs and the frequency of those behavior(s);
 - (e) Review of the student's educational and disciplinary records;
 - (f) Structured interviews with or surveys completed by the student's teachers, Parents, or school personnel, as determined by the group of individuals conducting the FBA, who regularly interact with the student, and when applicable, a student interview;
 - (g) Review of the history of the targeted behavior(s) to include the effectiveness of any intervention previously used; and
 - (h) Determination of whether a skill deficit is a contributing factor to the behavior(s).
 - 1. If the results of the FBA determine that a skill deficit is contributing to the target behavior(s), the IEP must include measurable annual goal(s) to address the skill deficit.
- (6) The group of individuals that conducts the FBA shall review the description of the problem or targeted behavior(s), the results of the assessment, and a hypothesis of the function of the behavior to develop a BIP.
- (7) The BIP shall include, at a minimum:
 - (a) A description of the behavior(s) and the frequency;
 - (b) A restatement of the hypothesized function of behavior(s);
 - (c) Measurable replacement behavior goals that align to the hypothesized function of behavior(s);
 - (d) Strategies for intervention, including but not limited to antecedent-based interventions, mitigating the consequences that reinforce the targeted behavior(s), and/or reinforcing identified replacement behavior(s) based on the results of the FBA;
 - (e) Identification of team members to teach appropriate replacement behaviors;
 - (f) A progress monitoring plan, including regular and frequent data collection and fidelity

checks;

- (g) A plan to train school personnel who interact regularly with the student on the intervention strategies identified in the student's BIP; and
 - (h) A description of the responses (i.e., consequences) or strategies required when the challenging behavior occurs (responses or strategies may include, but are not limited to extinction procedures, de-escalation, re-direction, or cost-response).
- (8) The BIP shall be based on the student's most recent FBA.
- (9) The student's IEP team shall review the BIP at least annually during the student's annual IEP team meetings and revise the BIP as needed.
- (10) ~~Nothing in this chapter shall prohibit an LEA from developing~~ A student's IEP team may develop an informal behavior plan for a student when the IEP team determines an FBA is not warranted due to the student's lower intensity behaviors.
- (11) In a situation where a student has engaged in a pattern of behavior that places the student or others at risk of harm or injury, the IEP team may immediately determine a more restrictive environment is the student's least restrictive environment and move the student to that more restrictive environment prior to conducting an FBA or BIP. In such cases, the IEP team must ensure the FBA is conducted and BIP implemented in the appropriate environment and the student's IEP is revised to include a goal of returning the student to a less restrictive environment, as appropriate.

Authority: T.C.A. §§ 49-10-1301, et seq.; Executive Order No. 14 of 2020 (and applicable, subsequent Executive Orders addressing COVID-19 relief); Public Chapter 652 of 2020; 34 C.F.R. § 300.114; and 34 C.F.R. § 300.301(c). **Administrative History:** Emergency rules filed April 16, 2020; effective through October 13, 2020. Emergency rules expired effective October 14, 2020, and the rules reverted to their previous statuses. Emergency rule filed June 10, 2020; effective through December 7, 2020. Emergency rule expired effective December 8, 2020, and the rule reverted to its previous status. New rule filed March 29, 2022; effective June 27, 2022.

AMEND the rules of the State Board of Education Chapter 0520-01-11 by amending Rule -.02, so that as amended, the revised Rules shall read:

**AMENDMENT
RULES OF
THE STATE BOARD OF EDUCATION

CHAPTER 0520-01-11
INDIVIDUALIZED EDUCATION ACCOUNTS**

0520-01-11-.02 DEFINITIONS.

- (1) "Account Holder" means a parent as defined in subsection (18) of this section or a Participating Student who has attained the age of majority who signs the IEA contract, is the Account Holder for the IEA funds, and is responsible for complying with all of the requirements of the IEA Program.
- (2) "Act" means the Individualized Education Act.
- (3) "Active IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§ 300.320 through 300.324 that is being implemented on the date the application window for the IEA program closes.
- (4) "Agreement" means a document signed by an applicant and a designee of the Department, which qualifies the parent or student who has attained the age of majority to participate in the Program.
- (5) "Applicant" means the parent or legal guardian of a student, or student who has attained the age of majority, who has completed the Standard Application Form.
- (6) "Computer Hardware or Other Technological Devices" means computer hardware or technological devices approved by the Department or a licensed treating physician that is used for the student's educational needs. Computer hardware and technological devices shall meet one (1) of the following criteria:
 - (a) Is a required device for communication or for physical access to instruction due to the adverse impact of the disability for which the student qualifies to receive an IEA, or
 - (b) Allows a student to access instruction or instructional content.
- (7) "Criminal Background Check" at a minimum shall include, but not be limited to, a check of the following: Tennessee's Sex Offender Registry and the Abuse Registry of the Tennessee Department of Health. All providers as defined in subsection (23) of this section and employers of providers shall maintain documentation that any persons providing services to Participating Students have undergone a fingerprint-based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation (FBI) for processing pursuant to the National Child Protection Act. All participating schools shall maintain documentation that all persons working on school grounds when students are present and/or providing services to students have undergone a fingerprint-based criminal history records check conducted by the Tennessee Bureau of Investigation (TBI) and forwarded by the TBI to the Federal Bureau of Investigation for processing pursuant to the National Child Protection Act. Individual contractors not employed by an organization shall fulfill the background check requirements by completing a fingerprint-based criminal history records check conducted by the FBI.
- (8) "Department" means the Tennessee Department of Education.

(9) "Educational Therapies" means:

- (a) Individualized services designed to develop or improve academic performance through instructional and therapeutic techniques, and provided by licensed therapists who meet the requirements set by the Department and the State Board of Education as further defined in the Department's IEA handbook or by therapist assistants who meet the requirements set by the Department and the State Board of Education as further defined in the Department's IEA handbook and who provide the services under the direct supervision of a licensed therapist; or
- (b) Tactile manipulatives recommended by the licensed therapist for the Participating Student pursuant to guidelines set forth by the Department.

(10) "Eligible Postsecondary Institution" means a Tennessee public community college, college of applied technology, or university of the University of Tennessee system or a locally governed state university within the Tennessee Board of Regents systems, or an accredited private postsecondary institution accredited by one (1) of the following: any accreditation division of Cognia (the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC), and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI)), the Middle States Association of Colleges and Schools (MSA), the New England Association of Schools and Colleges (NEASC), the Western Association of Schools and Colleges (WASC), or the Council on Occupational Education (COE).

(11) "Eligible Student" means:

- (a) A resident of this state in grades kindergarten through twelve (K-12) with an Active Individualized Education Program (IEP) in accordance with 34 C.F.R §§ 300 et seq., T.C.A. § 49-10-102, and regulations of the State Board of Education with one (1) of the following qualifying disabilities as defined by the rules of the State Board of Education 0520-01-09-.02 as the primary or secondary disability in effect at the time the Department receives the request for participation in the Program. For purposes of this Chapter, the Department receives the request for participation in the Program on the date the application window for the IEA program closes. Qualifying disabilities for eligible students ~~include the following~~ are identified in T.C.A. § 49-10-1402.:

~~1. Autism;~~

~~2. Deaf blindness;~~

- ~~3. Developmental delay;~~
- ~~4. Hearing impairments;~~
- ~~5. Intellectual disability;~~
- ~~6. Multiple disabilities;~~
- ~~7. Orthopedic impairments;~~
- ~~8. Specific learning disability;~~
- ~~9. Traumatic brain injury; or~~
- ~~10. Visual impairments; and~~

(b) Meets at least one (1) of the following requirements:

- 1. Was previously enrolled in and attended a Tennessee public school for the one (1) full school year immediately preceding the school year in which the student receives an Individualized Education Account (IEA). For the purposes of these rules, one (1) full school year means that the student was counted in the enrollment figures for the LEA(s) for the entire school year as reported in the state's student information system;
- 2. Has not previously attended a K-12 school in Tennessee, but is currently eligible to enroll in a kindergarten program in a public school in this state. Students meeting this eligibility requirement shall inform the LEA in which they reside of the student's intent to participate in the program prior to July 1 of the year in which they are enrolled in the IEA Program;
- 3. Has not previously attended a school in Tennessee for the duration of one (1) full school year immediately preceding the school year in which the student receives an IEA, and moved to Tennessee less than one (1) year prior to the date of enrollment in the IEA Program; or
- 4. Received an IEA in the previous school year.

(12) "Fee-for-Service Transportation Provider" means a commercial transportation provider including a taxi or bus service. It does not include private transportation by a parent or Participating Student in accordance with the conflict of interest provision in these rules.

(13) "Financial Institution" or "Private Financial Management Firm" means an institution selected by the Department to administer the individualized education accounts.

(14) "IEA" means a Tennessee Individualized Education Account.

(15) "Inclusive Educational Setting" means that the Participating School provides a setting that meets the following two (2) criteria:

- (a) Students with disabilities are educated with students who do not have disabilities; and
- (b) No more than fifty percent (50%) of the students in an individual classroom or setting are students with disabilities.

- (16) "ISP" means an Individualized Service Plan and is a written statement that describes the special education and related services to be provided by an LEA to a student who is eligible under Individuals with Disabilities Education Act at 20 U.S.C. §§ 1400, et seq., but has been enrolled in a non-public school or independent home school by the student's Parent.
- (17) "Local Education Agency (LEA)," "School System," "Public School System," "Local School System," "School District," or "Local School District" means any county school system, city school system, special school district, unified school system, metropolitan school system or any other local public school system or school district created or authorized by the general assembly.
- (18) "Non-public Online Learning Program or Course" means online programs or courses that meet the requirements set by the Department.
- (19) "Parent" means the parent, legal guardian, person who has custody of the child, or person with caregiving authority for the child.
- (20) "Participating School" means a non-public school that meets the requirements established in T.C.A. §§ 49-10-1401, et seq. and seeks to enroll eligible students.
- (21) "Participating Student" means an eligible student whose parent is participating in the IEA Program or an eligible student who has attained the age of majority and is participating in the IEA Program.
- (22) "Physician" means a person licensed under T.C.A. Title 63, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 9, Chapter 10, Chapter 11, Chapter 14, Chapter 16, Chapter 17, Chapter 19, Chapter 22, Chapter 23, Chapter 24, or Chapter 25.
- (23) "Program" means the Individualized Education Account (IEA) Program created in T.C.A. §§ 49-10-1401, et seq.
- (24) "Provider" means an individual or business that meets the requirements set by the State Board of Education and the Tennessee Department of Education.
- (25) "Standard Application Form" means a document whereby an Applicant may seek to establish an Individualized Education Account (IEA).
- (26) "Tutoring Services" means services provided by a tutor who meets the requirements set by the Department.

Authority: T.C.A. §§ 49-1-302 and 49-10-1401, et seq. **Administrative History:** Emergency rules filed October 28, 2016; effective through April 26, 2017. Emergency rules superseded by new rules filed September 2, 2016; effective December 1, 2016. Emergency rules filed September 22, 2017; effective through March 21, 2018. Amendments filed December 21, 2017; effective March 21, 2018. Amendments filed October 25, 2018; effective January 23, 2019. Amendments filed January 22, 2020; to have become effective April 21, 2020. However, the State Board of Education filed a 34-day stay of the effective date of the rules; new effective date May 25, 2020. Amendments filed December 27, 2021; effective March 27, 2022. Amendments filed January 26, 2023; effective April 26, 2023. Amendments filed January 24, 2024; effective April 23, 2024.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/30/25

Signature: *Rachel Suppé*

Name of Officer: Rachel Suppé

Title of Officer: General Counsel

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State