
Special Education Programs and Services Rule 0520-01-09

The Background:

Title 49, Chapter 10 of Tennessee Code Annotated governs special education services for children with disabilities. The entire chapter was updated in April 2019 for the first time since 1998. This item makes parallel changes to the Special Education Programs and Services Rule 0520-01-09 to reflect statutory updates that went into effect in April 2019, in addition to making clerical changes to align language in the rule more closely to the Individuals with Disabilities Education Act (IDEA) and the 2017 State Board approved special education standards.

This rule also clarifies the responsibilities of charter schools under IDEA, clarifies the process for educational homebound placements of students with disabilities, and places a cap on the amount of court reporter and transcript expenses that the Department of Education will reimburse to LEAs.

Between first and final reading, a rulemaking hearing was held to collect public feedback.. TDOE engaged with special education advocacy groups and supervisors to encourage them to submit public comment on the rule. The Disability Coalition on Education (DCE) and Tennessee Association for Administrators in Special Education (TAASE) submitted feedback included in changes between first and final reading.. Such changes include:

- Adding a definition of “parent counseling and training”;
- Defining the months of a school year for eligibility purposes;
- Clarifying the definitions and legal requirements regarding foster and surrogate parents;
- Requiring districts to provide a continuum of alternate placements as a condition of receiving IDEA Part B funds;
- Adding least restrictive environment (LRE) requirements to the IEP requirement section of the rule;
- Clarifying that special transportation services are to be decided by the IEP team; and
- Other clerical revisions.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item may have a potential fiscal impact on an LEA should costs associated with due process hearings exceed the \$5,000 reimbursable amount specified in 0520-01-09-.18.

None of the public comments submitted at the rulemaking hearing objected to the \$5,000 cap contained in the rule.

The Recommendation:

The Department of Education recommends approval of this item on final reading. The SBE staff concurs with this recommendation.