
Special Education Programs and Services Rules 0520-01-09-.02, .23, and .24

The Background:

The Special Education Program and Services Rules Chapter 0520-01-09 outlines the requirements LEAs and public charter schools must abide by when providing educational services to students with disabilities and ensuring a free appropriate public education (FAPE).

The proposed revisions to this rule add a new section .24 on requirements for conducting Functional Behavior Assessments (FBAs) and developing Behavior Intervention Plans (BIPs) for students with disabilities and adds corresponding definitions to rule section .02. FBAs and BIPs are critical to addressing students who display challenging behavior; however, practices vary widely across the state, leading to inconsistent improvements in student behavior. Proposed changes require a team approach and outline core aspects of both an FBA and BIP based on feedback from stakeholders in LEAs and the disability community.

Revisions also include changes to rule section 0520-01-09-.23 Isolation and Restraint for Students Receiving Special Education Services to align with statutory changes from Public Chapter 134 of the 2021 legislative session.

State Board staff held a rulemaking hearing on December 16th to gather public feedback. Changes between first and final reading reflect comments submitted during the rulemaking process. These changes clarify:

- The requirement that a BIP include a description of the responses (i.e., consequences) or strategies required when the challenging behavior occurs and offers examples of such strategies; and
- That an LEA 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.

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 has no financial impact on an LEA.

The Recommendation:

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