
Special Education Programs and Services 0520-01-09-.05 and .15

The Background:

The Individual with Disabilities Education Act (IDEA) gives state education agencies the authority to define the initial evaluation timeline by which an Individualized Education Program (IEP) team must complete a full and comprehensive evaluation for a student suspected of having a disability. It has been a long-standing practice in Tennessee that the 60-day initial evaluation timeline includes the student's eligibility for special education services. This item codifies that practice in the Child Find and Free Appropriate Public Education Rule 0520-01-09-.05 to ensure the timely provision of services.

This item also corrects a potential conflict related to parental notifications of an IEP meeting. Per IEP Requirements Rule 0520-01-09-.12(4), an IEP team meeting may be convened on a mutually agreed upon date and time; however, 0520-01-09-.15(1) requires that the LEA notify the parent of a child with a disability at least ten (10) calendar days before an IEP meeting. This item adds a provision to the rule in cases where an IEP team agrees to meet within ten (10) calendar days.

State Board staff will conduct a rulemaking hearing between first and final reading to gather public feedback.

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 acceptance of this item on first reading. The SBE staff concurs with this recommendation.