
Special Education Programs and Services, Rule 0520-01-09

The Background:

The State Board of Education last reviewed and updated the Special Education Programs and Services Rule in 2008. A review was requested by the Department of Education's Special Populations Division to address updates related to disability disorders and assessment practices that have occurred over the past eight years. Pursuant to State Board of Education Rule 0520-01-09-.11, a task force was developed to address guidelines and standards for disability categories in addition to the definitions. The multidisciplinary statewide task force consisted of special education supervisors, school psychologists, speech and language pathologists, representatives of parents/advocates, vision specialists, hearing specialists, preschool specialists, gifted specialists, and representatives from the Tennessee Department of Education.

The initial task force meeting was convened on March 15, 2016, for the purpose of determining whether the disability definitions, guidelines and standards should be amended. After identifying possible needs, the task force created committees to research and recommend changes for each indicated category. Recommendations were provided to the task force in April 2016. The recommendations were also sent out to stakeholder groups (i.e., Tennessee Association of Audiologists and Speech-Language Pathologists, Tennessee Association of School Psychologists, TN-Support and Training for Exceptional Parents/Tennessee Disability Coalition on Education, and the Tennessee Association for the Gifted) for feedback. Further revisions were made after reviewing all feedback with task force committee groups for each disability.

The proposed revisions are better aligned to updated clinical disability definitions and best practices, which allow for improved portability between states in regards to eligibility.

Below is a brief summary of the changes (Page numbers refer to the version with tracked changes):

- **Page 1; 0520-01-09-.01:** Updates TDOE special education website address
- **Page 1; 0520-01-09-.02(2):** Clarifies federal law code reference
- **Pages 2 & 3; 0520-01-09-.02(4):** Autism definition updates to include language that is consistent with current diagnostic criteria/features of Autism
- **Page 4; 0520-01-09-.0 (7):** Developmental Delay definition revision to include a breakdown of physical developmental delays (i.e., fine and/or gross motor) and to provide consistency of categorical use across the state.
- **Page 4; 0520-01-09-.02(8):** Emotional Disturbance revision clarifies the rule out statement (i.e., regarding social maladjustment)
- **Page 5; 0520-01-09-.02(11):** Intellectually Gifted definition revision clarifies adverse need and includes a statement regarding underrepresented youth

- **Page 6; 0520-01-09-.02(14):** Orthopedic Impairment definition to include clarifying statement (i.e. “but not limited to”)
- **Pages 6 & 7; 0520-01-09-.02(17):** Speech or Language impairment inclusion (i.e., demonstration of language, articulation, voice, or fluency) and rule out statements revisions to reflect current best practice consistent with the American Speech-Language-Hearing Association
- **Pages 9 &10; 0520-01-09-.02(19):** Vision Impairment inclusion statement revisions in the area of low vision impairment to reflect consistency with common understanding of low vision and vision impairment practices; Provides clarity of a possible medically documented condition (i.e., “cortical vision impairment”).

The Fiscal Analysis Impact:

Tenn. Code Ann. § 49-1-212 requires that the Department of Education 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.