
Special Education Programs and Services Rule 0520-01-09

The Background:

T.C.A. § 49-10-101 provides that the state board shall adopt rules and regulations to implement the state's special education program. The last overall review of disability category definitions (aligned to Rule 0520-01-09.02), guidelines, and standards was conducted in 2008. A current review was requested by the Department of Education Special Populations Division to address updates related to disability disorders and assessment practices that have occurred in the past eight years. As Pursuant to Tennessee Rules & Regulations, Chapter 0520-01-09-.11, Rules for Special Education Programs and Services, a task force was developed to address disability categories guidelines and standards in addition to the definitions. The multidisciplinary state-wide task force consisted of special education supervisors, school psychologists, and speech and language pathologists as well as representatives of parents/advocates, vision specialists, hearing specialists, preschool specialists, gifted specialists, and the Tennessee Department of Education (i.e., the Speech, Language, & Autism Coordinator, Assistant General Counsel for Special Education, IDEA Coordinator, and Director of Special Education Eligibility).

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 Advisory Council 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 Tennessee Association for the Gifted) for feedback. Further recommended revisions were made after reviewing all feedback with task force committee groups for each disability.

Public comment on the materials approved through first reading was obtained through a public hearing in addition to received written comments. The task force met and reviewed comments, identified themes from the comments, discussed concerns, and made additional revisions. Proposed changes were reviewed with the Students with Disability Advisory Council and they approved moving forward with revisions.

The State Board approved revisions in March; however upon review, the Attorney General's Office made the following substantive revision (page numbers refer to redline version):

Pages 3-6: Clarifies the eligibility requirements for children with Autism. Deaf-Blindness, and Hearing Impairment.

Page 20-21: Adds “guardian” to the section concerning surrogate parents.

Page: Clarifies that injuries and/ or medical attention that occurs during isolation/restraint needs to be reported.

The Fiscal Analysis Impact:

Tenn. Code Ann. § 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 adoption of this item on final reading. The SBE staff concurs with this recommendation.