Department of State
Division of Publications
312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615.741.2650
Fax: 615.741.5133
Email: register.information@tn.gov

For Department of State Use Only

Sequence Number: 05-17-13
Notice ID(s): 2020
File Date: 5/30/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Dannelle F. Walker
Address:	601 Mainstream Drive, Nashville, TN 37228
Phone:	615-253-5707
Email:	Dannelle.Walker@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Dannelle F. Walker
Address:	9th Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN
Phone:	615-253-5707
Email:	Dannelle.Walker@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	1st Floor, Andrew Johnson Tower		
Address 2:	710 James Robertson Parkway		
City:	Nashville		
Zip:	37243		
Hearing Date :	07/17/2013		
Hearing Time:	9am- 11am	X CST/CDT	EST/EDT

Additional Hearing Information:

Revision Type (check all that apply):
____ Amendment
____ New
X Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0520-01-09	Special Education Programs and Services
Rule Number	**Rule Title**
0520-01-09-.12	Definition of Individualized Education Program (IEP)

Chapter Number	Chapter Title
Rule Number	**Rule Title**

The 2004 reauthorization of the Individuals with Disabilities Act, or IDEA, eliminated the requirement that individualized education programs (IEP) for children with disabilities include benchmarks or short term objectives in IEPs other than IEPs of children who take alternate assessments. 20 U.S.C. §1414(d)(1)(A) and 34 C.F.R. §300.320(a)(2). However, states were left with the option to continue to require benchmarks or short term objectives in all IEPs. When the State Board of Education revised Tennessee Rules and Regulations Chapter 0520-01-09, Special Education Programs and Services, effective February 2008, it retained the requirement for benchmarks or short term objectives in all IEPs.

The 2004 reauthorization of IDEA also eliminated the requirement that IEPs include identification of possible transition service needs in the IEP in effect when a child reaches fourteen (14) years of age or younger if determined appropriate by the IEP team. The IDEA retained the requirement that IEPs include a statement of transition services, including courses of study, beginning not later than the IEP in effect when a child reaches sixteen (16) years of age or younger if determined appropriate by the IEP team. 20 U.S.C. §1414(d)(1)(A) and 34 C.F.R. §300.320(b). However, states were left with the option to continue to require identification of possible transition service needs in IEPs for children age fourteen (14) or younger. When the State Board of Education revised Tennessee Rules and Regulations Chapter 0520-01-09, Special Education Programs and Services, effective February 2008, it retained the requirement for identification of possible transition service needs in IEPs for children age fourteen (14) or younger.

This rule change would delete Rule 0520-01-09-.12, Definition of IEP, in its entirety. Deletion of the requirement for benchmarks or short term objectives in all IEPs is appropriate because the progress monitoring component of the responsiveness to intervention (RTI) plan and the mandatory high school course of study accurately measure growth and accountability. Additionally, deletion of benchmarks or short term objectives lessens the need for routine removal of students with disabilities from the general education classroom, thereby ensuring complete access to the general education curriculum.

Deletion of the requirement for identification of possible transition service needs in the IEP in effect when a child reaches fourteen (14) years of age is no longer necessary because such needs are addressed in the mandatory high school course of study which is developed for every student at the end of their eighth grade year.

When the State Board of Education revised Tennessee Rules and Regulations Chapter 0520-01-09, Special Education Programs and Services, effective February 2008, it adopted by reference the Compilation of Federal Regulations at 34 C.F.R. Parts 300 and 301 in their entirety, unless otherwise provided, as the policies and procedures for administration of special education programs and services in the state. Therefore, deletion of Rule 0520-01-09-.12 will result in adoption by reference of 34 C.F.R. §300.320(a)(2) regarding measurable annual goals and 34 C.F.R. §300.320(b) regarding transition services.

34 C.F.R. §300.320(a)(2) regarding measurable annual goals provides that all IEPs must include a statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability. For children with disabilities who take alternate assessments aligned to alternate achievement standards, all IEPs must include a description of benchmarks or short-term objectives.

34 C.F.R. §300.320(b) regarding transition services, provides that all IEPs must include, beginning not later than the first IEP to be in effect when the child turns sixteen (16), or younger if determined appropriate by the IEP Team, and updated annually, thereafter appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals.

Rule 0520-01-09-.12 Definition of Individualized Education Program (IEP) is amended by deleting the regulation in its entirety.

Authority: T.C.A. §§ 49-10-101 and 49-10-701.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: May 14, 2013

Signature:

Name of Officer: Dannelle F. Walker

Title of Officer: General Counsel

PHYLLIS E. CHILDRESS STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

MY COMMISSION EXPIRES: January 9, 2016

Subscribed and sworn to before me on: 5/14/13

Notary Public Signature: Phyllis E. Childress

My commission expires on:

Department of State Use Only

Filed with the Department of State on: 5/30/13

Tre Hargett
Secretary of State

2013 MAY 30 AM 11:13