

# Frequently Asked Questions on Implementing Chapter 199 of the Public Acts of 2025

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Chapter 199 [of the Public Acts of 2025](#) requires local education agencies (LEAs) to provide “a copy of the student’s evaluation report that is to be used in the determination of the student’s eligibility for special education or in the development of the draft IEP” to the student’s parent or guardian at least 48 hours prior to the scheduled IEP team meeting. Public Chapter 199 took effect immediately upon the Governor’s signature on April 11, 2025. The purpose of this document is to address frequently asked questions and to offer guidance on implementing Public Chapter 199. Please note that this document may be revised as the Tennessee Department of Education receives additional questions.

## **1. What constitutes an evaluation report?**

An evaluation report is the assessment or compilation of assessments administered during initial evaluation, reevaluation, or consent for additional assessments based on the agreed-upon assessment plan as determined by the IEP team. The evaluation report(s) may include psychological, speech/language, occupational, physical, behavioral, or any other assessments conducted to determine eligibility or appropriately plan the student’s IEP. A functional behavioral assessment and an assistive technology evaluation would also constitute evaluation reports.

## **2. Are the documents included in a reevaluation summary review (RSR) considered an evaluation report?**

No. Documents included in an RSR are not considered an evaluation report and are not subject to Public Chapter 199. LEAs are not required to provide the RSR to the student’s parent or guardian at least 48 hours prior to any IEP team meeting at which decisions will be made based on the RSR to remain in compliance with Public Chapter 199.

## **3. Are assessment protocols or notes collected during the individual administration of assessments considered a part of the evaluation report?**

No. Assessment protocols and notes collected during the administration of assessments are not considered evaluation reports, so Public Chapter 199 does not require LEAs to provide the protocols or notes to the student’s parent or guardian prior to an IEP team meeting.

LEAs are reminded, however, that assessment protocols and notes may be subject to inspection and review pursuant to the Family Educational Rights and Privacy Act (FERPA). *See*

34 C.F.R. § 99.10; U.S. Dept of Educ., [Letter to Price](#) (Oct. 13, 2010) (explaining that assessment protocols may be considered an education record subject to inspection and review).

**4. Are LEAs required to compile all reports (e.g., psychological, speech/language, fine or gross motor, behavior, etc.) into a singular report to meet the requirement?**

No. Public Chapter 199 does not require LEAs to produce evaluation reports in any particular form. LEAs are encouraged to utilize multi-disciplinary reports as appropriate when presenting assessment data to parents and guardians.

**5. Are LEAs required to provide a copy of the comprehensive evaluation report?**

Yes. LEAs must provide a complete copy of the comprehensive evaluation report. LEAs may not redact or remove sections of the evaluation report prior to providing the report to the student's parent or guardian. For example, LEAs may not remove the diagnostic impression section or any conclusions about whether a student may or may not be eligible for special education.

**6. Are LEAs allowed to take steps to minimize the risk that the student's parent or guardian will allege the LEA engaged in predetermination?**

Yes. LEAs may adopt policies, practices, or procedures to minimize the risk of allegations of predetermination, as long as the policy, practice, or procedure does not limit the parent or guardian's access to a complete copy of the comprehensive evaluation report. For example, LEAs may include a "draft" watermark on the evaluation report or include a cover letter with the evaluation report to indicate that the determinations reached in the evaluation report are done so in preparation for the IEP team meeting and will be discussed by the full IEP team, including the assessment specialist, during the IEP team meeting.

**7. Can LEAs make changes to an evaluation report after a copy of the evaluation report has been provided to the student's parent or guardian?**

Yes. Public Chapter 199 does not prohibit LEAs from changing an evaluation report after the report has been provided to the student's parent or guardian. LEAs are encouraged to minimize changes and provide an updated report to the student's parent or guardian prior to the IEP team meeting. Parents and guardians should also receive a final copy of the evaluation report within a reasonable timeframe from the date of the meeting.

**8. Are there any concerns with adhering to the Family Educational Rights and Privacy Act (FERPA) in relation to this law?**

LEAs may disclose personally identifiable information from a student's education record to the student's parent without prior consent of the student's parent. See 34 C.F.R. § 99.31(a)(12). In

general, LEAs must use reasonable methods to ensure that personally identifiable information from a student's education record is not inadvertently disclosed to third parties.

**9. Can a student's parent or guardian opt out of receiving a copy of the evaluation report?**

No. Unlike the state law authorizing a student's parent or guardian to opt out of receiving a copy of a draft IEP, Public Chapter 199 does not specifically authorize a student's parent or guardian to opt out of receiving a copy of an evaluation report.

**10. Are LEAs obligated to provide language assistance to parents who have translation and/or interpretation needs?**

Yes. LEAs are obligated to provide meaningful communication to limited English proficient (LEP) parents and effective communication to parents with disabilities. This communication should be in a language parents can understand and should adequately notify them of information about any program, service, or activity of a school district that is called to the attention of parents who do not have translation or interpretation needs. Please contact your board attorney for specific guidance.

**11. If assessment batteries are administered for the development of an individual student's present level of academic achievement and functional performance (e.g., speech/language standardized assessments), are those considered pieces of an evaluation that would need to be sent home forty-eight (48) hours in advance of the IEP meeting?**

Yes. Those assessments are administered individually to a student as part of planning a student's IEP and would constitute evaluation information. In addition, these assessment batteries are often used both for planning a student's IEP and for eligibility considerations. It is important to note that if this assessment information is captured in the draft IEP, and the draft IEP is sent home 48 hours in advance of the meeting, the LEA complies with this legislation. However, if a parent declines the draft IEP, the LEA will want to ensure any assessment information that is used for IEP programming is made available to the parent 48 hours in advance. LEAs are also encouraged to work with their IEP case managers when considering appropriate measures for goal progress monitoring data to reflect accurate student progress within a student's IEP.

**12. Does this also apply to hearing and vision screening results?**

Yes. This would also apply to ensuring vision and hearing screening results have been made available to a parent or guardian 48 hours in advance of an IEP meeting if the information is used for eligibility or IEP programming and planning. It is recommended that hearing and

vision screening results be reflected within an evaluation report; however, if they are not, the results of those screenings would need to be made available to parents.

**13. Can information about this new legislation be shared with parents and guardians?**

Yes. The department will work with our Family Engagement partner to develop information available to parents and guardians about this legislation and its requirements.

**14. Do contracted assessment specialists also have to adhere to sending home evaluation reports 48 hours in advance of the IEP meeting?**

Yes. Contracted assessment specialists and personnel who work on behalf of the LEA are required to comply with this legislation. It is recommended that LEAs communicate with their respective contract agencies regarding this legislation and revise their respective Memorandums of Understanding as needed.

**15. If the LEA is presented with information that impacts the evaluation report close to the 48-hour timeline and must add information to the draft evaluation report on the day of the meeting, will there be an option for a timeline extension request?**

No. The IDEA only authorizes state educational agencies to approve timeline extension requests for evaluations when (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation, (2) the student enrolls in another LEA after the 60-day timeline has begun but prior to an eligibility determination being made, or (3) the student is being evaluated for a specific learning disability, and the student has made adequate progress in response to instruction and intervention. See 34 C.F.R. §§ 300.301(d), -309(c).

If additional assessment information is obtained or provided once the draft evaluation report has been provided to the parent or guardian, LEAs are permitted to make changes to the evaluation report to incorporate the additional relevant assessment information; however, the parent or guardian should be provided a final copy within a reasonable timeframe after the meeting.

**16. Does this impact communication prior to a Manifestation Determination Review (MDR)?**

No. The legislation requires LEAs to provide a copy of an evaluation report that is to be used in the determination of the student's eligibility for special education or in the development of the draft IEP. Information obtained prior to a manifestation determination review meeting is obtained for the purpose of determining whether a student's misconduct was caused by or related to the student's disability.

**17. Does this include speech and language severity rating scales?**

Speech and language severity rating scales are tools used to compile speech and language assessment data. This compiled information from the severity rating scales would already be

incorporated into the speech and language evaluation report. The speech and language evaluation report with all compiled assessment data would then be provided to the parent or guardian 48 hours in advance of the IEP meeting. If, however, the severity rating scale document is attached and considered to be part of the evaluation report, the LEA will want to ensure this is provided to the parent or guardian 48 hours in advance of the IEP meeting.

**18. The LEA's occupational and physical therapists develop an annual report to present to the student's IEP team to support in IEP programming and planning. Would the LEA be required to send this annual report home to the parent or guardian 48 hours in advance of the IEP meeting?**

If the annual report developed by the occupational therapist (OT) or physical therapist (PT) contains assessment information that is captured in the draft IEP, and the draft IEP is sent home 48 hours in advance of the meeting, the LEA complies with this legislation. However, if a parent declines the draft IEP, the LEA will want to ensure any assessment information that is used for IEP programming is made available to the parent 48 hours in advance.

Please note that IEP supports and services recommendations, including frequency, duration, and the decision to add or remove a support or service from a student's IEP, are the decisions of the IEP team based on multiple sources reflecting current performance and needs of the student. It is strongly recommended that any evaluation report, including those developed by OTs and PTs, not contain service or support recommendations, as that could be considered predetermination.

Questions? Contact [Special.Populations@TN.gov](mailto:Special.Populations@TN.gov)