
Special Education Programs & Services - Parent Participation, Rule 0520-01-09-.15

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. Accordingly, the State Board has adopted Rule 0520-01-09, which governs the State's special education program.

At its April 2018 board meeting, the State Board approved a change to Rule 0520-01-09-.15, regarding the number of days' notice an LEA must provide to a parent or guardian prior to an IEP meeting. This change from "days" to "school days" was made between first and final reading. During rule promulgation, the Department and the Attorney General's office discovered that this change created significant unintended consequences, including conflict with other chapters of Rule 0520-01-09 and federal IDEA regulations.

At the request of the Attorney General's office, this item proposes to change the number of days' notice an LEA must provide to a parent or guardian prior to an IEP meeting back to "ten (10) days" (page 18 of the rule).

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 approval of this item on final reading. The SBE staff concurs with this recommendation.