

Special Education Programs and Services Rule 0520-01-09

The Background:

Title 49, Chapter 10 of Tennessee Code Annotated governs special education services for children with disabilities. The entire chapter was updated in April 2019 for the first time since 1998. This item makes parallel changes to the Special Education Programs and Services Rule 0520-01-09 to reflect statutory updates that went into effect in April 2019, in addition to making clerical changes to align language in the rule more closely to the Individuals with Disabilities Education Act (IDEA) and the 2017 State Board approved special education standards.

This rule also clarifies the responsibilities of charter schools under IDEA, clarifies the process for educational homebound placements of students with disabilities, and places a cap on the amount of court reporter and transcript expenses that the Department of Education will reimburse to LEAs.

A rulemaking hearing will be held to collect stakeholder feedback before this rule is presented on final reading.

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 may have a potential fiscal impact on an LEA should costs associated with due process hearings exceed the \$5,000 reimbursable amount specified in 0520-01-09-.18.

The Recommendation:

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.