
Special Education Programs and Services Rule 0520-01-09-.10 and -.11

The Background:

Special Education Programs and Services Rule 0520-01-09-.10 describes how students with disabilities will be counted for funding purposes, how funds will be allocated to local educational agencies (LEAs), and how LEAs must maintain records related to funding for students with disabilities.

In the 2022 legislative session, Governor Lee and the Tennessee General Assembly passed the Tennessee Investment in Student Achievement (TISA) Act which will transition the state to a student-based funding approach starting in the 2023-24 school year. Due to the passage of TISA and the proposed Department of Education rules necessary to implement TISA, minor changes must be made to State Board of Education Rule 0520-01-09-.10 to ensure that it is not in conflict with the TISA statute or rules. This item removes specific references to the Basic Education Program (BEP) from the rule.

This item also proposes removal of the reference to State Board of Education Policy 3.500 in Section 0520-01-09-.11 until such policy is fully promulgated.

State Board staff conducted a rulemaking hearing on September 29, 2022 to collect public feedback. No comments were received on this rule.

Minor clerical revisions were made between first and 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 has no financial impact on the Department, the State Board, or any LEA or public charter school.

The Recommendation:

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