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**Special Education Programs and Services Rule 0520-01-09-.12, -.18, and -.19**

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**The Background:**

The Individuals with Disabilities Education Act (IDEA) requires LEAs to include appropriate measurable postsecondary goals related to training, education, employment, and independent living skills as well as the transition services and courses of study needed to assist the student in reaching those goals within the first IEP that will be in effect when a student turns 16 years old. See 34 C.F.R. § 300.320(b).

The State Board of Education Special Education Program and Services Rule Chapter 0520-01-09 previously required LEAs to develop a four-year plan of focused and purposeful high school study, including any necessary transition services, that connected the student's goals for high school to the student's postsecondary goals no later than when the student turned 14 years old or began 9th grade. In 2021, the rule was amended and the requirement to develop a four-year plan of focused and purposeful high school study was eliminated. Currently, State Board of Education Rule 0520-01-09-.12(b) only requires LEAs to include "age-appropriate transition assessments to include, at a minimum, education, training, and employment for students age fourteen (14) and older."

In an effort to increase the percentage of students with disabilities who enroll in a postsecondary education or training program or who are employed, this item revises Section -.12 of the rule to once again require LEAs to include courses of study, transition services, and annual IEP goals that will reasonably enable the student to meet the postsecondary goal in the first IEP that will be in effect when the student turns 14 years old.

Additionally, this item makes two further minor proposed edits to Section -.18 and Section -.19 of the rule to align them with state law. First, Impartial Due Process Hearing Rule 0520-01-09-.18 currently confers jurisdiction upon the state's administrative law judges to hear complaints arising under "the Individuals with Disabilities Education Act . . . and Rules of the State Board of Education." This proposed amendment clarifies the state's administrative law judges also have jurisdiction to hear complaints arising under state special education statutes in alignment with Tenn. Code Ann. § 49-10-606(a). Second, Civil Action Rule 0520-01-09-.19 currently allows parties filing due process complaints to bring an action in a court of competent jurisdiction "in accordance with Tenn. Code Ann. § 4-5-322 and Tenn. Code Ann. § 49-10-601." This proposed amendment would strike the reference to Tenn. Code Ann. § 49-10-601 since that statute merely establishes the procedural safeguards for students with disabilities.

The State Board staff will hold a rulemaking hearing between first and final reading to collect public feedback.

**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. The proposed amendment to Rule 0520-01-09-.12 would require LEAs to develop and implement IEPs that include transition services and measurable

postsecondary goals two years earlier than IDEA requires. These costs are expected to be minimal and could be implemented by LEAs without additional staffing.

**Connection to the [Master Plan](#):**

This item supports the State Board's strategic focus on Postsecondary and Career outlined in the Master Plan by requiring LEAs to support postsecondary transition for students with disabilities through the use of transition services, courses of study, measurable annual goals, and measurable post-secondary goals.

**The Recommendation:**

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