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

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. The last overall review of disability category definitions (aligned to Rule 0520-01-09.02), guidelines, and standards was conducted in 2008. A current review was requested by the Department of Education Special Populations Division to address updates related to disability disorders and assessment practices that have occurred in the past eight years. As Pursuant to Tennessee Rules & Regulations, Chapter 0520-01-09-.11, Rules for Special Education Programs and Services, a task force was developed to address disability categories guidelines and standards in addition to the definitions. The multidisciplinary state-wide task force consisted of special education supervisors, school psychologists, and speech and language pathologists as well as representatives of parents/advocates, vision specialists, hearing specialists, preschool specialists, gifted specialists, and the Tennessee Department of Education (i.e., the Speech, Language, & Autism Coordinator, Assistant General Counsel for Special Education, IDEA Coordinator, and Director of Special Education Eligibility).

The initial task force meeting was convened on March 15, 2016, for the purpose of determining whether the disability definitions, guidelines, and standards should be amended. After identifying possible needs, the task force created committees to research and recommend changes for each indicated category. Recommendations were provided to the Advisory Council in April 2016. The recommendations were also sent out to stakeholder groups (i.e., Tennessee Association of Audiologists and Speech-Language Pathologists, Tennessee Association of School Psychologists, TN-Support and Training for Exceptional Parents/ Tennessee Disability Coalition on Education, and Tennessee Association for the Gifted) for feedback. Further recommended revisions were made after reviewing all feedback with task force committee groups for each disability.

Public comment on the materials approved through first reading was obtained through a public hearing in addition to received written comments. The task force met and reviewed comments, identified themes from the comments, discussed concerns, and made additional revisions. Proposed changes were reviewed with the Students with Disability Advisory Council and they approved moving forward with revisions.

Below is a brief summary of the changes since first reading (Page numbers refer to the version with tracked changes):

- **Pages 2; 0520-01-09-.02(4):** Autism definition revisions to clarify subset characteristics of Autism.
- **Page 3; 0520-01-09-.0(7):** Developmental Delay definition revision to provide clarity on age range and physical development. Local agency choice in use of this category was added back in (consistent with current rule) to match IDEA language.

- **Page 3; 0520-01-09-.02(8):** Emotional Disturbance definition revises language be consistent with IDEA language (Change from January 2017 final read item).
- **Page 4; 0520-01-09-.02(9):** Functional Delay definition revisions adds a rule out statement to encourage use/ consideration of appropriate IDEA categories before determining Functional Delay as the primary disability as it is a TN state category only.
- **Page 5; 0520-01-09-.02(11):** Intellectually Gifted definition revision to add back in a statement of adverse effect (similar to current definition) for clarity in the two prong approach for disability eligibility (i.e., criteria and need for services)

The Fiscal Analysis Impact:

Tenn. Code Ann. § 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 adoption of this item on final reading. The SBE staff concurs with this recommendation.