
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. In addition, the provision of special education services, specifically the provision of Individualized Education Programs (IEPs), is governed by the federal rules and regulations contained in 34 C.F.R. §§ 300.320 - 300.323.

At its January 2018 board meeting, the State Board approved on first reading an amendment to State Board Rule 0520-01-09-.15, Parent Participation, to include a provision that if a local education agency prepares a draft IEP in advance of the IEP meeting, then a copy must be provided to the parent(s) at least 48 hours prior to the meeting. This amendment is in line with the commentary to the federal regulations, which states, "if a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP."

A rulemaking hearing was held on March 22, 2018, at which parents, district representatives, advocates, and other stakeholders gave feedback. In addition, the State Board received written feedback regarding the revisions. Based on that feedback, the following changes have been made since first reading:

- Specifies that if the LEA intends to prepare a draft IEP, the parent meeting notification shall advise the parent(s) of his/her right to request a copy of the draft IEP and shall allow the parent(s) to indicate whether he/she wishes to receive a copy of the draft IEP.

The Recommendation:

State Board staff recommends adoption of this item on final reading.