
Special Education Programs and Services Emergency Rule 0520-01-09-.24

The Background:

Currently, Chapter 0520-01-09-.02-01(6) states that initial eligibility for developmental delay “shall be determined before the child’s seventh birthday.” Because of the COVID-19 crisis and state of natural disaster due to the tornadoes in middle Tennessee some students began their initial evaluation for developmental delay prior to their seventh birthday, but turned seven during the unforeseen periods of school closure due to the abovementioned disasters. As a result, their evaluation will not be completed prior to their seventh birthday. Because some of these students would have been found eligible but for the school closures, this rule enables students who would have otherwise qualified for the disability category of developmental delay to still be considered for eligibility for this category by their IEP team.

This change is in accordance with state and federal COVID-19 guidance, which allows evaluations requiring face-to-face assessments and/or observations to be delayed until school reopens and distancing guidelines are lifted.

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 an LEA.

The Recommendation:

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