
Special Education Programs & Services, 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.

This item amends 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 24 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 will be held on these proposed changes to receive public feedback between first and final reading.

The Recommendation:

State Board staff recommends acceptance of this item on first reading. The Tennessee Department of Education does not concur with this recommendation.