



School Leadership for Special Education

An administrator's companion guide
to the Special Education Framework

Tennessee Department of Education | 2021

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Introduction: School Leadership for Special Education

The purpose of this companion guide is to provide the most pertinent information regarding the multifaceted roles of principals and assistant principals that oversee the delivery of core instruction, interventions, and services provided to students with disabilities throughout the state of Tennessee.

School leaders are just that, leaders in instruction, leaders in data collection, and leaders in intervention. As a school leader, you play a crucial role in establishing a schoolwide mindset that regards special education as an integral part of the school community, and not a separate placement or program to be isolated from general education. The department is committed to continuously strengthening school level administrators' ability to lead in the area of special education.

Throughout this document, references will be made to Tennessee's Special Education Framework. You can access that document by clicking [here](#), or by following the click path below:

www.tn.gov/education/ □ Special Education □ For Educators □ Special Populations & Student Support □ Special Education □ revised Special Education Framework.

Laws and Regulations Regarding Students with Disabilities

It is important for school leaders to know and understand the four major laws affecting special education:



The Individuals with Disabilities Act (IDEA) grants federal funds to states in exchange for states offering students with disabilities a free appropriate public education (FAPE). The IDEA governs how states and public agencies provide early intervention, special education, and related services to students with disabilities ages 3-22. IDEA covers identification, services, placement, and transition. **It entitles every child with a disability to a free appropriate public education and requires that students with disabilities be educated in their least restrictive environment** ([see Component 7](#)).

Rehabilitation Act of 1973:

Section 504 protects certain rights of individuals, including students, with “a physical or mental impairment which substantially limits one or more major life activities, ...” (34 C.F.R. § 104.3[j][1]). The intent is to **protect students’ civil rights, ensuring equal access and preventing discrimination**.

Section 508 (later incorporated into the Workforce Investment Act of 1998), requires that institutions who receive federal funding make electronic and information technology developed, produced, maintained or used by the school, accessible to people with disabilities.

The Americans with Disabilities Act (ADA), like Section 504 of the Rehabilitation Act, is broad and more inclusive than IDEA. The ADA seeks “equality of opportunity, full participation, independent living, and economic self-sufficiency” (42 U.S.C. § 12101[a][8]) for persons with disabilities. **The main purpose of the ADA is to provide civil rights to the millions of Americans with disabilities** who had previously been unable to access their communities and necessary services.

The Family Educational Rights and Privacy Act of 1974 (FERPA) **protects the privacy of student education records**. It is important for school leaders to realize that all information reported as part of an evaluation for IDEA or Section 504 eligibility is included in the student’s education records.

Differences between IDEA & Section 504

	IDEA	Section 504
General Purpose	A federal funding law that awards money to states in exchange for providing a free appropriate public education, including special education and related services, to all children with disabilities residing in the state.	A federal civil rights law that prohibits recipients of federal funds from excluding from participation, denying the benefits of, or discriminating against any individual with a disability.
Definition of “Disability”	A child aged 3-21 “with intellectual disabilities, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities.” <i>See</i> 20 U.S.C. § 1401(3)(A).	A person who has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as having a disability by others. <i>See</i> 34 C.F.R. § 104.3(j)(1). The definition of a disability is broader under Section 504 than the IDEA.
Eligibility Students can be found eligible under either the IDEA, Section 504, or both	A student is a “child with a disability” and covered by the IDEA if (1) the student has a qualifying disability (see above) <i>and</i> (2) the student needs special education and related services as a result of the disability. <i>See</i> 20 U.S.C. § 1401(3)(a).	A student is covered by Section 504 if the student has or has had a physical or mental impairment, which substantially limits a major life activity or is regarded as having a disability by others. The student is covered by Section 504 even if the student does not need special education.
Initial Evaluations	The student’s parent or the Local Educational Agency (LEA) may initiate a request for an initial evaluation to determine if the student is a student with a disability. The LEA must provide written notice and the student’s parent must provide informed consent prior to the initial evaluation being conducted. <i>See</i> 20 U.S.C. § 1414(a)(1)	The student’s parent or the LEA may initiate a request for an initial evaluation to determine if the student is a student with a physical or mental impairment. The LEA must provide notice prior to the initial evaluation being conducted. Written notice and prior written consent from the student’s parent are not required, but are the best practice. <i>See</i> 34 C.F.R. §§ 104.35-36
Reevaluations	The IDEA requires triennial reevaluations. Reevaluations may be conducted when the educational or service needs of the student warrant a reevaluation or when the student’s parent or teacher requests a reevaluation, but no more frequently than once a year unless the student’s parent and the LEA agree otherwise. <i>See</i> 20 U.S.C. § 1414(a)(2).	Section 504 requires “periodic” reevaluations. Reevaluations are required before a significant change in placement.

	IDEA	Section 504
FAPE Students must be provided FAPE under both the IDEA and Section 504 definitions	An “appropriate” education under the IDEA means an educational program that is reasonably calculated to enable a student to make progress appropriate in light of the student’s circumstances. FAPE under the IDEA thus focuses on the student’s progress in relation to their own potential.	An “appropriate” education under Section 504 means an educational program that is comparable to the education provided to nondisabled students. FAPE under Section 504 thus focuses on whether students with disabilities are receiving educational services comparable to that of students without disabilities.
Funding	The IDEA provides funds to carry out its mandates. Only recipients and subrecipients of IDEA funds must comply with IDEA requirements. Noncompliance may result in the loss of IDEA funds.	Section 504 does not provide funds to carry out its mandates. All recipients and subrecipients of federal funds must comply with Section 504 requirements. Noncompliance may result in the loss of all federal funds.
Accessibility	Accessibility is not specifically mentioned by the IDEA, but it is a component of FAPE. If a student needs access to a certain part of the school or to a program to make appropriate educational progress, then the IDEA requires the LEA provide such access to the student.	Section 504 has detailed regulations regarding building and program accessibility and comparable facilities. <i>See</i> 34 C.F.R. §§ 104.21-.23.
Written Notice Requirements	Prior written notice must be sent to the student or the student’s parent at “a reasonable time” before the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement, or the provision of FAPE. <i>See</i> 34 C.F.R. § 300.503.	Prior notice must be sent to the student or the student’s parent before a “significant change” to identification, evaluation, and/or placement. Written notice is not required, but is the best practice. <i>See</i> 34 C.F.R. 104.35.
Dispute Resolution Options	Parents who dispute the identification, evaluation, or placement of their child can file an administrative complaint, a mediation request, or a due process hearing request with TDOE.	LEAs with 15 or more employees must designate an employee to ensure compliance with Section 504 and provide a grievance procedure for parents, students, and employees. Parents who dispute the identification, evaluation, or placement of their child can also file an administrative complaint, a mediation request, or a due process hearing request with TDOE.

State Special Education Regulations

In addition to the four major federal laws affecting special education, state educational agencies have promulgated state regulations to ensure that students and families are provided with procedural safeguards and that Local Educational Agencies (LEAs) comply with all IDEA obligations. The state regulations provide protections in addition to the IDEA and the federal regulations. In Tennessee, a few examples of state specific regulations include the addition of intellectually gifted and functional delay as a disability. School leaders must follow both federal and state laws and regulation. *The Tennessee regulations for special education can be found [here](#).*

Dispute Resolution Options for Parents

When disagreement occurs among members of the IEP team, it is encouraged that the school team work directly with the family to identify specific issues and concerns and work together to find solutions. It is recommended that parents notify the principal to request his or her assistance in addressing issues of concern. Proactively attending to the parents' concerns at this local level may stave off more formal complaints and dispute processes. If needed, district level leadership including the special education director can help to facilitate a solution. In cases where the situation is not resolved at the local level, parents are afforded the following three options for dispute resolution:



For further information on dispute resolution processes, see our webpage [here](#).

Administrative Complaint

The administrative complaint process is a *non-punitive* dispute resolution option that ensures LEAs are following all federal and state special education laws. An IDEA complaint investigator will gather evidence or documentation in whatever means deemed appropriate to address the complaint and then issue a written determination with findings. If the complaint investigator determines that the LEA has violated any laws, the LEA will be required to complete a corrective action plan to ensure that it abides by the law in the future. For further information on administrative complaints, see [Appendix A: Administrative Complaints Frequently Asked Questions](#) and the [Administrative Complaint Guide](#).

Mediation

Mediation is a flexible dispute resolution process that allows the student's parents and the LEA to collaboratively work on solutions to disagreements and to be in control of the outcome. Mediation is less formal, less expensive, and less time consuming than a due process hearing. For further information on mediation, see [Appendix B: Mediation Frequently Asked Questions](#).

Due Process Hearing

A due process hearing is a formal dispute resolution process in which each the student's parents and the LEA call witnesses and present evidence before an administrative law judge, who then makes a written determination based on the facts and the applicable law. For further information on due process hearings, see [Appendix C: Due Process Hearing Frequently Asked Questions](#).

Meeting Child Find Obligations

Child Find and Identification Process

One critical responsibility of the school district is to conduct "Child Find" activities:

- The Child Find mandate included in the IDEA requires schools to seek out, identify, and evaluate all youth (ages 3–22) with disabilities (including intellectually gifted) whether or not they are homeless, migrant, or enrolled in public or private school, and regardless of the severity of their disability. (see 34 C.F.R. § 300.111 for General Child Find regulations)

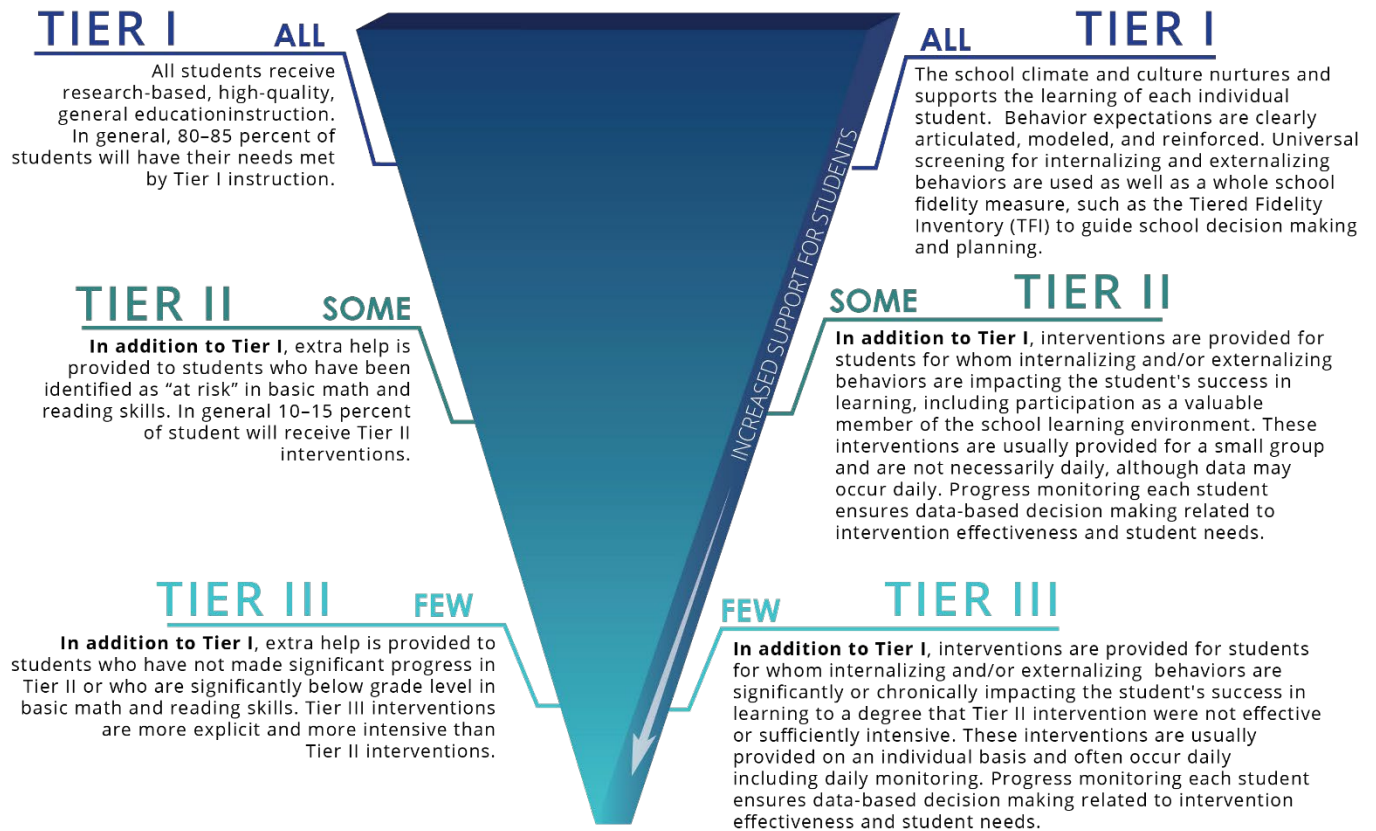
While many of the Child Find activities are managed at the district level, school leaders play an important role in the process. According to state regulations, referrals for students suspected of having a disability shall be submitted in writing to the school principal or director of special education (see Tennessee SBE Rule [0520-01-09-.06](#)). It is critical for school leaders to have an understanding of the specific IDEA procedures for determining special education eligibility.

Response to Instruction and Intervention (RTI²) Overview

The purpose of RTI² which focuses on academics and RTI²-Behavior (RTI²-B) which focuses on behavior is to ensure all students receive instruction and supports necessary to be successful. A critical component for special education eligibility is ensuring a student's needs are the result of a disability and not due to a lack of educational experience. Therefore, establishing strong, comprehensive general education for all students is essential. RTI² and RTI²-B integrate data and instruction within a multi-level framework focused on prevention and early intervention. It ensures holistic needs (academic and non-academic) are addressed in a systematic, thoughtful, and reflective manner. RTI² and RTI²-B begins with a strong foundation in Tier I academic and

non-academic instruction and supports and therefore encompasses all students. Below is an image of the Tennessee RTI² and RTI²-B framework.

RTI² vs. RTI²B



Administrators play a key role in planning, implementing, and leading the work of student-focused RTI² and RTI²-B to address the needs of all students and move them forward on a path to success. Schools must leverage their knowledge around the needs of the students on their campus to identify priority areas for support and implement the necessary programs (i.e., high quality core curriculum and instruction, research-based interventions). Here are a few key components of RTI² and RTI²-B that administrators should ensure are taking place on their campus:

- Strong Tier I Instruction and Supports
- Identification of Student Need
- School Teams (i.e., RTI², RTI²-B)
- Data-Based Decision Making
- Increasing Levels of Supports
- Fidelity Monitoring

RTI², RTI²-B and Special Education

RTI² and RTI²-B are not processes for special education referrals. Special education teachers and related service providers are not prohibited from providing consultative and incidental supports to students who have not been identified with a disability. As specialists in their respective areas, special educators and related services providers should be members of pre-referral teams focused on collaborative problem-solving to support all students where they are. Click [here](#) for tiered intervention guidance for students with disabilities.

To learn more about RTI² and RTI²-B in Tennessee go to [Response to Instruction and Intervention \(RTI²\) Framework](#), [The “Say Dyslexia” Law](#), and the [Response to Instruction and Intervention for Behavior \(RTI²-B\) Framework](#).

Referral

Anyone, including a parent or the school district, may refer a child, age 3-21, for an initial evaluation to determine if the child is a child with a disability. The referral shall be submitted in writing to the school principal or local school district director of special education.

The referral team must consider all data when determining whether the child has a qualifying disability and the disability results in the need for special education and related services.

Pursuant to 34 CFR §§300.304-300.311, the use of RTI² strategies may not be used to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability under 34 CFR §300.8; See [Memorandum 11-07](#).

If a parent initiates a request for an initial evaluation, the school team must meet within a reasonable amount of time to consider the request (see [OSEP Memorandum 11-07](#)). The team then determines whether or not they **suspect** a disability. If there is suspicion of a disability, the school must proceed with a comprehensive evaluation to determine if the student is a student with a disability. Prior to conducting an initial evaluation, the school

team must obtain informed parental consent and provide written notice of the evaluation (or obtain written parental refusal to the evaluation).

Written informed consent must be obtained from the parent before beginning a comprehensive evaluation.

Evaluation

Evaluation and eligibility are complex processes. Please refer to the [Special Education Evaluation and Eligibility website](#) for information related to:

- eligibility standards;
- evaluation processes;
- required participants for evaluation.

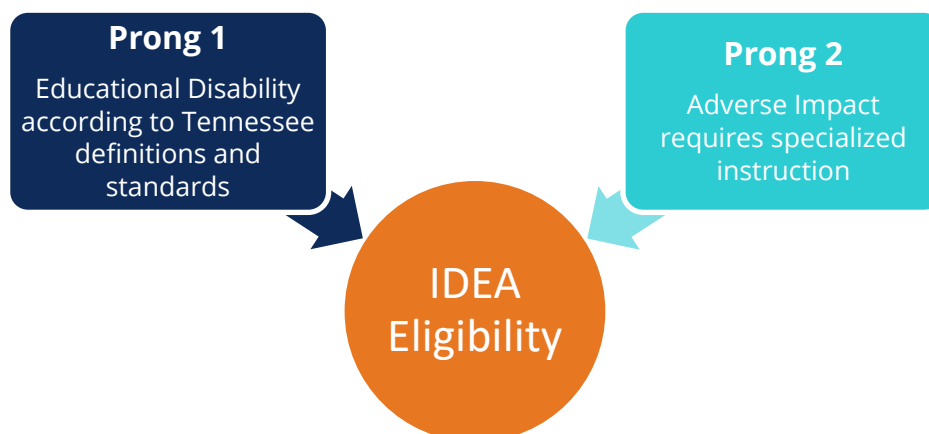
Students with an IEP who transfer to a Tennessee LEA must be initially considered as a student with a disability. The receiving LEA is required to consider the supporting records from the previous school and determine if the student meets the standards for one of the sixteen Tennessee disability categories, or if additional evaluation is needed. Refer to the [Special Education Transfer Student Eligibility Flowchart](#) for appropriate evaluation and IEP processes for in-state and out-of-state transfer students.

Eligibility

After completion of the evaluation, the IEP team must meet to review results and determine if the student is eligible for special education services.

Eligibility decisions for special education services are two-pronged:

- 1.) The team decides whether the evaluation results indicate the presence of a disability for one or more of the sixteen eligibility categories, **and**
- 2.) The team decides whether the identified disability adversely impacts the student's educational performance such that he or she requires the most intensive intervention (i.e., special education and related services).



There are 16 disability categories in TN. The definitions and evaluation standards can be [found here](#). While results of an external evaluation must be considered, an external report or clinical diagnosis alone may not be sufficient to determine the presence of an educational disability, which establishes a student's eligibility for special education and related services. To learn more about special education eligibility, go to [TDOE's Special Education Evaluation and Eligibility webpage](#). Federal law related to evaluations and eligibility can be [found here](#) under section 300.301-300.311.

The IEP Process

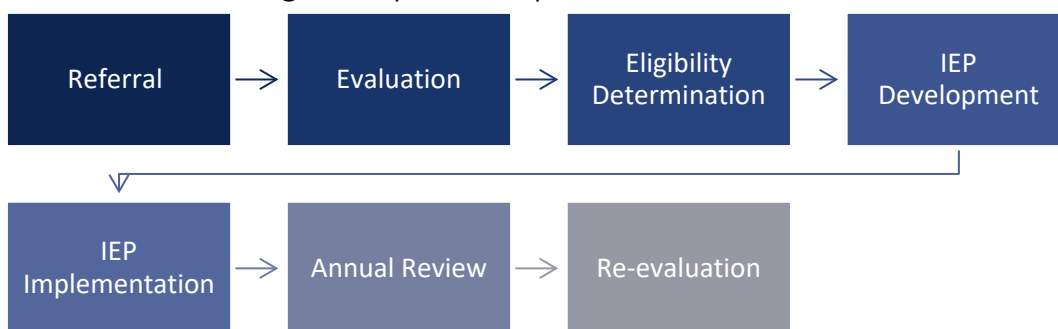
School leaders are often the first line of support to the educators responsible for developing and implementing the instruction and services in student IEPs. Therefore, it is important to understand the requirements set forth by IDEA as they relate to the implementation of special education and related services for children with disabilities. The development of a student's IEP, which is the blueprint for a student's specialized programming, is only one step in the process.

The IEP development process is guided by IDEA and ensures the provision of FAPE. Each LEA is obligated to provide services that address all of a child's identified special education and related services needs, based on the child's unique needs and not on the child's disability¹.

What is an IEP?

IEP is an acronym for an Individualized Education Program. It is a document developed by the IEP team that identifies a student's disability, outlines clear goals and objectives, and explains how the student will be supported. The IEP guides how a school configures its special education resources in order to provide opportunities for a student with disabilities to achieve desired outcomes.

Below is a flowchart outlining the sequence of special education events:



¹ Rules of The State Board of Education. Chapter 0520-01-09-.05 Special Education Programs and Services; Free Appropriate Public Education

Components of an IEP

The IEP serves as the road map for each individual student, and it is therefore a process which all contributing members must understand. Each step in the development of an IEP builds on the previous step, allowing the IEP team to create a program that is individualized and aligned to the student's needs. It is important to understand that **neglecting to follow the IEP process not only restricts the development of the IEP but could result in a procedural violation or pre-determination.**



Narratives

The narrative summaries introduce the student and must be written in a way that provides a strong foundation for educational planning and instructional decision making. The practice of following a “stranger test” (i.e., considering the perspective of someone who is not a team member - would they be able to implement the IEP as it is currently written without additional supporting data?) will assist another district/teacher in beginning instruction immediately given the details in the IEP. The components of the narratives to be considered for each student's IEP are:

- Student Strengths
- Parent/Guardian Concerns
- Adverse Impact on Educational Performance
- Medical Information and Concerns
- Consideration of Special Factors
 - Does the student have limited English proficiency?
 - Is the student blind or visually impaired?
 - Does the student have communication needs?
 - Is the student deaf or hard of hearing?
 - Are assistive technology devices or services necessary to implement the IEP?
 - Does the student's behavior impede his learning or that of others?
 - Does the student demonstrate cognitive processing deficits that impact his/her performance and warrant consideration?

Further explanation of each of these questions and considerations can be found in [Section II of the Special Education Framework](#).

Present Levels of Educational Performance (PLEP)

Present Levels of Educational Performance (PLEP) should clearly describe the student's current skills for each area identified and/or considered as exceptional in the evaluation, prior IEP, and team concerns. The PLEP should provide the foundation for the data-based decisions the IEP team is required to make with regard to a student's goals, supports, accommodations, modifications, and services for the next year.

The PLEP, written in positive terms without judgment, should:

- include current data (i.e., formal data, informal data, and narrative information) from a variety of sources
- describe the student's current level of performance
- address why this current level is of concern
- give clear direction for goal writing that includes ample details on specific needs
- describe the impact of the exceptional area on the mastery of core content as well as any impact on access to participation in non-academic activities

Measurable Annual Goal (MAG)

MAGs address a student's specific area of deficit and must align to PLEPs. Interventions aligned to the goal will build/enhance foundation or prerequisite skills and strategies needed to access the general education curriculum. MAGs are:

- the pathway to address skills acquisition—not the curriculum standard—that will enable the student to be involved and make progress in the general curriculum
- based on the individual needs of a student that result from the associated deficits of the identified disability
- directly linked to the exceptional area(s) of the PLEP
- very specific and detailed and include criteria for mastery
- written using language that can be understood by parent(s)/legal guardian(s), educators, and/or related service providers (e.g., no acronyms)
- descriptions of what the student can reasonably be expected to accomplish in each area during the life of the IEP as a result of the provision of special education intervention and related services
- guides for instruction, intervention, and monitoring student progress on specific skills to determine if the interventions and services are effective

Short term objectives are required for students who are assessed on an alternate assessment. The short-term objectives are required for each MAG and follow the same format: condition, behavior/skill, criteria, and measurement tool and schedule. As with MAGs, the focus of short-term objectives is on increasing access and participation. Short-term objectives are

connected to the MAG and outline how the student will integrate and apply smaller and more discrete skills to achieve the larger goal.

Accommodations and Modifications

Accommodations and modifications are individualized strategies, tools or supports that provide the student increased:

- access to instruction,
- opportunities for participation, and
- independence in learning.

Selection of needed accommodations and/or modifications (if any) should be determined annually by the IEP team.

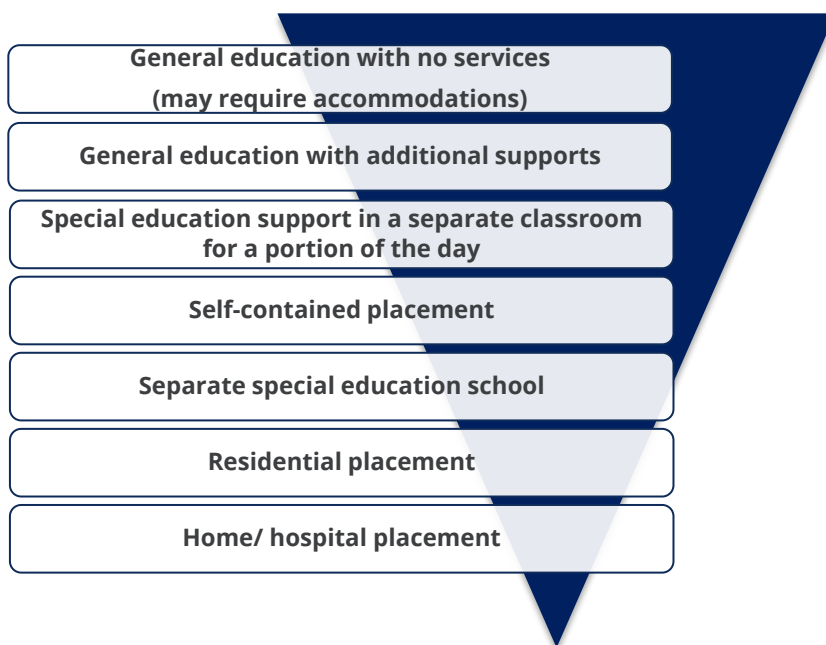
Accommodations	Modifications*
change how the student is taught or expected to learn	change what the student is taught or expected to learn*
provide equitable access during instruction and assessments and neither change the construct being assessed, nor compromise the integrity or validity of the assessment or content	change what is being taught or expected from the student*
intended to reduce or even eliminate the effects of a student’s disability	are restrictive by nature and should be a last resort
Do not reduce learning expectations, if based on need	

*Changing what a student is taught has a long-term impact on the opportunity to graduate with a regular high school diploma, which further limits employment and college/technical school opportunities.

Service Delivery and Least Restrictive Environment

Educational placement is a point along the continuum of placement options, which defines where and how a student’s IEP will be implemented. Educational placement is not a specific physical location, a specific teacher, or a specific methodology.

Educational placement is determined by a group of people (i.e., the IEP team) knowledgeable about the child, the meaning of the evaluation data, and the placement options. When determining educational placement, the least restrictive environment (LRE) mandate governs those decisions for all children ages 3-21 (*See* 20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.114). **To the maximum extent appropriate, children with disabilities should be educated with children who are not disabled.** The IEP team should consider the student’s full day and specific needs when determining LRE, including access to tier I instruction, tier II and/or tier III interventions, and when appropriate, special education supports and services. All children should be educated in the school they would attend if they did not have a disability, or as close as possible to their home if the IEP necessitates another placement. The IDEA’s LRE mandate applies to all aspects of the provision of special education and related services (speech/language therapy, occupational therapy, physical therapy, transportation). More information on LRE can be found in [Component 7.1](#) of the Special Education Framework.



Progress Monitoring

Intervention effectiveness should be monitored through multiple data sources, including mastery measures (measuring the specific skill/knowledge being taught), general outcome measures (broad measures of growth, often nationally normed) and mastery of grade-level standards as appropriate. Monitoring of student learning provides continuous feedback on the effectiveness of instruction and intervention and is essential in determining areas where a change in instruction and intervention may be required. Ongoing assessment is a method for tracking and comparing an individual’s or a group’s performance and progress through data collection.

Progress monitoring is an essential component in determining student response to intervention. It is a process, thus data should include multiple sources of evidence with a focus on individual students. Progress monitoring is used to:

- assess a student's academic performance,
- quantify a student's rate of improvement or responsiveness to instruction, and
- gauge the effectiveness of teaching².

Reporting Progress

Just as educators must continually monitor a student's progress, parents and guardians must also be regularly informed of their child's progress toward mastery of their IEP goals. Special educators are responsible for creating progress reports for each period that regular education grading and progress reporting occurs. Special education progress reports provide a current assessment of the student's level of progress toward each IEP goal and are given to parents/guardians and the regular education teachers who work with the student.

The Role of the LEA Representative in an IEP Meeting

The IEP team makes important decisions regarding the education of students with disabilities, and the IDEA designates the composition of the team in order to ensure that the appropriate team members are present. Although the law does not specifically require principals to participate on IEP teams, the IEP team **must** include a representative of the local education agency (LEA; i.e., school district or school), which is often a school leader.

The LEA representative is a key member of the IEP team. The LEA representative's function is to represent the school or school district and it is imperative that they are present at the IEP team meeting and participate in the development of the IEP. Additionally, their presence helps to set the climate for the meeting by ensuring all IEP team members are present, engaged, and provided the opportunity for meaningful engagement. The person serving as the LEA should have a thorough understanding of the qualifications and responsibilities of this role.

² Essential Components to RTI: Progress Monitoring, Retrieved from <https://www.rti4success.org/essentialcomponents-rti/progress-monitoring>

IDEA requires that the person serving in this capacity be:

- **qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;**
- **knowledgeable about the general education curriculum; and**
- **knowledgeable about the availability of resources of the school district.**

A public agency may designate another individual to serve as the LEA representative, so long as that person meets the requirements stated above. It is important, however, that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are described in the IEP will actually be provided.

The goal of all IEP team meetings is to reach consensus on the child's needs and appropriate goals; the extent to which the child will be involved in the general curriculum and participate in the regular education environment and State and district-wide assessments; and the services needed to support that involvement and participation and to achieve agreed-upon goals.

However, consensus cannot be reached through a majority vote and if consensus cannot be reached for an IEP team decision (including eligibility decisions and manifestation determination reviews), the LEA has the *ultimate responsibility* to ensure that the IEP includes the services that the child needs in order to receive FAPE, and the LEA representative is the "voice" for the LEA. The LEA representative is responsible for determining the appropriateness and availability of resources to be allocated on behalf of the school/district. The LEA should provide the parents with prior written notice of the LEA's proposal or refusals regarding the child's educational program.

During the IEP Meeting

IEP team members (including the parent/legal guardian) will discuss and decide on the statements associated with each IEP component, including the following:

- strengths and concerns related to the student's progress;
- the present levels of educational performance (PLEP) statement;
- the Measurable Annual Goals (MAG) that are appropriate for the student;
- accommodations and access to general education, including LRE;
- the type of special education services the student needs;
- the related services necessary to help the student benefit from his or her specialized instruction and interventions; and
- eligibility for an extended school year and/or special transportation.

IEP Team Members

Certain team members are required to attend a student's annual IEP and others may be appropriate to invite as well. Each person on this multidisciplinary team brings information and a unique perspective to the discussion of the student's needs and has an important role and responsibility to make recommendations for the student's educational program.

Required Members:	As Appropriate:
<ul style="list-style-type: none">• Parents and/or guardian of child• Not less than one regular education teacher of the child• Not less than one special educator of the child• LEA representative• Individual who can interpret the instructional implications of evaluation results• The child with a disability is legally required to be invited if 14 years old or older when transition services are discussed	<ul style="list-style-type: none">• School psychologist• School's reading/math specialists• Related service providers• School counselor• Other individuals who have knowledge or special expertise regarding the child (by parent and/or district invitation)• The child with a disability attends and participates in their own meeting

IEP Team Attendance Requirements and Excusal – 34 C.F.R. § 300.321

A member of the IEP Team, other than the parent or guardian of the child, is not required to attend an IEP Team meeting, in whole or in part, under the following circumstances:

- 1.) If the IEP Team member's area of the curriculum or related services is not being modified or discussed in the IEP Team meeting, the IEP Team member may be excused if the parent/guardian and the LEA agree in writing that the IEP Team member's attendance at the meeting is not necessary. *See 34 C.F.R. § 300.321(e)(1).*
- 2.) If the IEP Team member's area of the curriculum or related services is being modified or discussed in the IEP Team meeting, the IEP Team member may be excused if (a) the parent and the public agency consent to the excusal in writing and (b) the IEP Team member submits written input into the development of the IEP to the parent and the IEP Team prior to the meeting. *See 34 C.F.R. § 300.321(e)(2).*

Procedural Safeguards Notice – 34 C.FR. § 300.504

The LEA must provide a copy of the IDEA procedural safeguards to the parents of a child with a disability at least one time per year, and also when any of the following events occur:

- When the child is initially referred for an evaluation or when the parent requests an evaluation;
- The first time the LEA receives an administrative complaint filed on behalf of the student in a school year;
- The first time the LEA receives a due process hearing request filed on behalf of the student in a school year;
- Whenever school personnel decide to remove the student from his or her current placement to an appropriate interim alternative educational setting because the student violated a code of student conduct;
- Upon request by a parent.

For further questions on the role of the LEA in your district, contact your special education supervisor. For more information on the composition of the IEP team as prescribed in IDEA, see [Component 1.2](#) of the Special Education Framework and [Appendix D: Overview of Special Education Meetings](#) of this document.

Ensuring the Implementation of the IEP

Once the IEP team has met and developed an agreed upon plan, there are several responsibilities of the school principal or administrator to ensure the IEP is implemented. The following is not an exhaustive list:

1. Review and sign the IEP
2. Coordinate and oversee the provision of special education and related services, including:
 - a. scheduling
 - b. facilitation of collaborative planning
 - c. coordination of any required special transportation
 - d. ensuring special education interventions and services are appropriately implemented
3. Ensure each team member understands their roles and responsibilities in implementing the IEP
4. Commit and provide resources as determined appropriate
5. Promote instructionally appropriate services that are responsive to student needs

Planning for Post-Secondary Success

High-Quality Transition Plans

The development of a transition plan is mandated by the Individuals with Disabilities Education Act for all students with disabilities. See 20 U.S.C. § 1414(d)(1)(A)(i)(VIII); 34 C.F.R. § 300.43. The purpose is to facilitate the student's move from school to post-school activities, such as college or career. The transition plan must be individualized, be based on the student's strengths, preferences, and interests, and include opportunities to develop functional skills for work and community life. Tennessee law requires the IEP team to begin transition planning no later than the year the student turns 14. SBE Rule 0520-01-09-.12.

The content of the transition plan includes:

Age-appropriate Transition Assessments	The purpose of transition assessment(s) is to identify student preferences, interests, needs, and strengths (PINS). The assessment(s) should help the student determine career interests, strengths, and aptitude for tasks related to employment, education, training, and independent living.
Measurable Postsecondary Goals (MPSG)	The goals are appropriately ambitious, measurable, updated annually, and based upon the results of the transition assessment. These are the goals the student wants to achieve after leaving high school.
Courses of Study	The course of study is a multi-year description of coursework to achieve the student's desired MPSGs, from the student's current year to the anticipated exit year. It should also be aligned with the student's diploma path.
Transition Services	Transition services are a part of the coordinated set of activities, designed with an outcome-oriented process that promotes movement from school to the MPSGs.
Measurable Annual Goals	After a student turns 14, there must be at least one measurable annual goal that addresses transition and is related to the student's MPSGs.
Student Invitation	The student must be invited to the IEP team meeting where transition services are discussed and encouraged to participate. A student invitation should be created separate from the parent/legal guardian invitation.

LEA Responsibilities in an IEP Meeting when Transition Planning and Services are Discussed

As a school administrator, you have valuable perspective and insight to offer when discussing transition topics during IEP meetings. This planning sheet will help you know what to expect and how you can contribute.

What Should an Administrator Know About Transition Planning within the IEP Meeting?

- Beginning with the first IEP to be in effect after the student turns 14, the IEP team will begin to focus on the student's goals after high school in education/training, employment, and independent living.
- IEP team members include the student, his/her parents or guardians, their special education teacher, general education teachers, CTE teachers, yourself, and representatives from adult disability service agencies. Other team members might include a speech, occupational, or physical therapist, and/or a guidance counselor. The student and/or parent can invite anyone important to them who can provide relevant information related to post-school goals.
- A representative from an outside agency may be in attendance if permission from parents was obtained before the meeting.
- IEP team members will discuss the transition assessments and the student's measurable postsecondary goals.
- IEP team members will identify transition services the student may need during high school to accomplish their measurable postsecondary goals.
- It is imperative the student participate in transition planning and that their voice is driving post school goal development.

How Can an Administrator Help?

- Know the individual student.
- Review information about the student's goals, services, and other parts of the transition plan prior to the meeting.
- Be knowledgeable about district and community services/resources.
- Assist with identifying appropriate CTE courses that align with the student's measurable postsecondary goals.
- Ensure safety examinations are not used as a barrier for entry into CTE programs (for more information see [Component 6.7 of the Special Education Framework](#)).
- If needed for students with disabilities to be successful, provide training opportunities for educators.

Diploma Options

Tennessee public high schools must offer all four diplomas options ([Graduation Requirements Rule 0520-01-03-.06](#)) for IEP team consideration and planning. The diploma earned will directly impact the student's postsecondary options and success; therefore, the LEA should ensure

adequate supports are in place to support each student in earning the most appropriate diploma.

Determining the most appropriate diploma is similar to the LRE process, beginning with the assumption that all students can and will earn the regular diploma. Only when there is compelling evidence that the student will not earn the regular diploma, even when provided accommodations and/or modifications needed, should the IEP team consider a different diploma option.

The following chart summarizes the four diplomas.

Diploma	Who Is Eligible?	Terminal (Yes or No)	Included in Graduation Rate?
Regular Diploma	Everyone	Yes—terminates eligibility for IDEA services	Yes
Alternate Academic Diploma	Students assessed on the alternate assessment	No—student is still eligible for IDEA services through 21	Yes*
Occupational Diploma	Students with an IEP who will not be able to earn the regular diploma	No—student is still eligible for IDEA services through 21	No
Special Education Diploma	Students with an IEP who will not be able to earn the regular diploma	No—student is still eligible for IDEA services through 21	No

*Included in graduation rate if completed within the cohort time limit of four years plus one summer.

For more information on graduation options, refer to [Appendix E: Parent Guide Tennessee Diploma and Postsecondary Options](#), the [Secondary Transition](#) webpage, or the [Low Incidence](#) webpage.

Services that Extend Beyond the School Day

Before/After School Programs	Extracurricular Activities	Extended School Year
<p>Schools must offer students with disabilities equal access to any after school program that is offered by the district. This may include accommodations and supports to meet student needs. There are some instances where a private program may be using a public space for after school programs. It is recommended that building leaders check with the district special education supervisor and district attorney to determine if the LEA has obligations to provide accessibility to a private program.</p>	<p>When providing or arranging for extracurricular services and activities, the school must ensure that each child with a disability participates with nondisabled children in extracurricular services and activities to the <i>maximum extent appropriate</i> for that child. The school district must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings. These services and activities may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school or district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available.</p>	<p>Extended School Year (ESY) is a service provided to students, at no cost to the parent(s)/legal guardian(s), for whom extended school breaks are determined to be detrimental to a student's progress. ESY is determined individually and annually for each student. The IEP team will consider if ESY is appropriate based on progress monitoring and performance data for each special education area and IEP goal prior to and immediately following school breaks. The LEA representative is an integral member of the IEP team when ESY is determined; the LEA representative is responsible for ensuring that the ESY decisions are data-driven and services are appropriately determined for the child.</p>

What is Extended School Year?

Extended School Year is:	Extended School Year is <u>not</u> :
intended to maintain skills and/or behaviors so the student will not be spending additional weeks during the school year to return to the former level	a compensatory program
data-driven, using multiple sources of student data	determined by a specific disability
an IEP team decision about whether the services are necessary for the provision of FAPE	intended to assist students in making additional progress
considered for each individual student at least annually	guaranteed or denied for specific disability categories
addresses identified MAGs as determined by the data and designated for ESY by the IEP team	automatically designated for all MAGs
provided by an educator that may or may not be the same special education teacher that works with the student during regular school days	decided unilaterally, in terms of necessity, duration, frequency, etc.
provided outside the regular school days, so it does not occur within the general education setting	automatically “renewed” at each annual IEP
individualized according to student need	summer enrichment programming

School leaders can support best practices by providing opportunities for teachers to collaborate prior to the start of ESY and then following ESY to discuss interventions and strategies which have proven successful for the student, leading to greater progress. This will support effective transition between the teachers and ensure the intensity and fidelity of the intervention. For additional information, refer to component 7.7 in the [Special Education Framework](#).

Considerations for IEP Implementation

Access to Tier I Instruction

A school leader’s role is crucial to establishing a schoolwide mindset that regards special education as an integral part of the school community, and not a separate placement or program to be isolated from general education. Tier I instruction, also known as core instruction, provides rich learning opportunities aligned to the Tennessee Academic Standards for all students and are responsive to student strengths and needs through differentiation. The entire range of learners, including students identified with disabilities (including those identified as gifted) and ELs, are included and actively participate in Tier I instruction. Providing access

points, based on multiple sources of data and implemented within a classroom that is accessible for all, is a hallmark of effective Tier I instruction.

Strategic Scheduling

For students with disabilities to receive high-quality core instruction, as well as skills-based intervention, it's imperative that master schedules provide an avenue to access. Creating a master schedule is a complex process that requires a strategic plan aimed at having a collective impact to support students and teachers, as well as school and district goals. Master schedules can also create the greatest obstacles to access and participation for staff and students with disabilities. Strategically planning for students with the most complex needs first is one way to mitigate barriers. While scheduling priorities may vary from district to district, and throughout elementary, middle, and high school, a similar approach should be taken:

1. Consider the impacts of the schedule for students and teachers while maintaining a focus on school and district priorities.
2. Form a small committee of building level and district leaders to ensure the schedule is properly vetted.
3. Ensure service providers who serve multiple buildings and grades (i.e. SLPs, OTs, PTs) are considered in the process.
4. Consider building a master school schedule which prioritizes the more challenging components of services and interventions and then adjusting core instructional blocks around those.

For example schedules that ensure students have the opportunity for necessary intervention(s), visit [Appendix E of the RTI² Implementation Guide](#).

Staffing and Service Provider Considerations

School leaders are vital to the implementation of special education services and play a key role not only in the allocation of resources, but in ensuring appropriate, effective, and quality services are delivered to students. Therefore, school leaders should set expectations and provide support for classroom teachers to work alongside special education providers in educating all students in their LRE.

Special education providers are required to serve students across a continuum of placements and settings and will need the support of school leaders in managing the workload required to implement IDEA services. Leaders can support providers by monitoring caseloads, assisting with service delivery scheduling, protecting planning times for lesson collaboration, facilitating opportunities for interdisciplinary professional development, and remaining informed of the legal obligations required in the provision of FAPE.

Reminders Regarding Service Providers

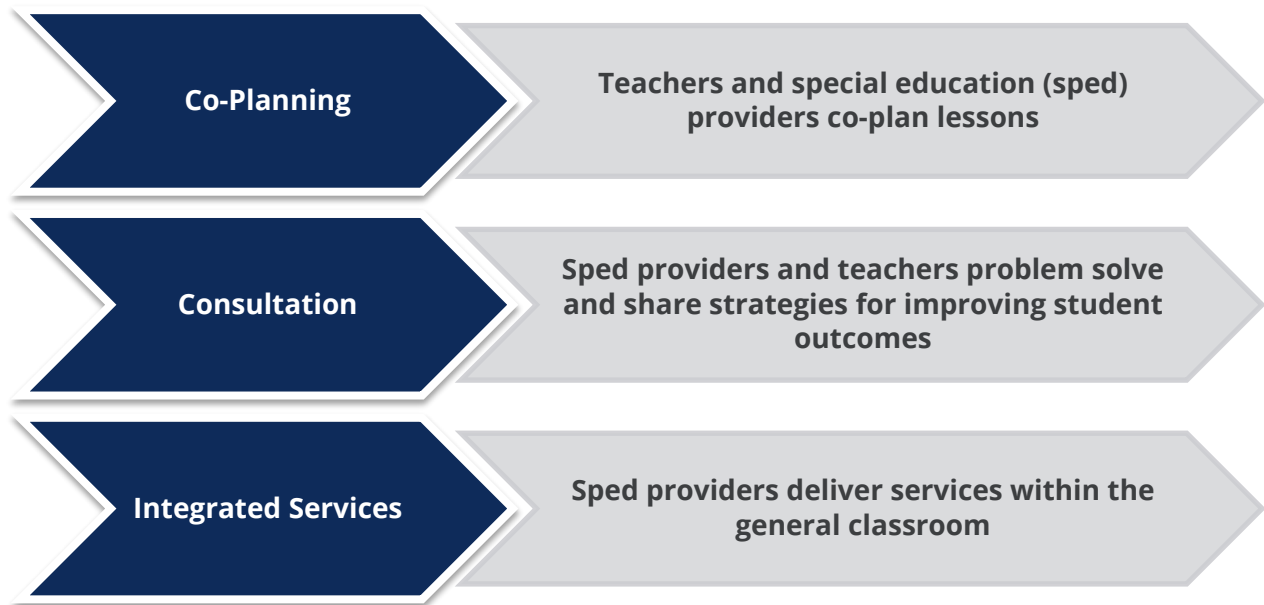
- Related service providers may be assigned to multiple grade levels and buildings, impacting scheduling and school availability.
- School psychologists and SLPs are assessment specialists responsible for Child Find activities in addition to their other school roles.
- Case managers have additional workload requirements related to procedural paperwork and IDEA compliance.
- Special education support personnel (i.e., speech-language teachers and assistants) have limited qualifications and scopes of practice.
- Missed services may result in a denial of FAPE; service providers must prepare for IEP meetings, attend IEP meetings, and deliver IEP services for the students on their caseloads. Therefore, it is important that they have time in their schedule to meet these obligations.

Supporting Professional Collaboration

District and building leaders often set the tone and culture for the staff and school community. It is critically important that professional collaboration is encouraged and fostered within a school, particularly across general and special education teams. Don't forget, as the school leader, you ensure special education is an integral part of the school community.

A school leader who promotes the philosophy of teamwork and establishes purposeful inclusion of general and special education staff in building level activities and decisions will more successfully grow educators who demonstrate and foster those same philosophies in their classrooms. Educators who are encouraged to contribute their expertise and ideas will naturally be more invested in the implementation processes and practices that impact student programming and outcomes.

Examples of Collaborative Models:

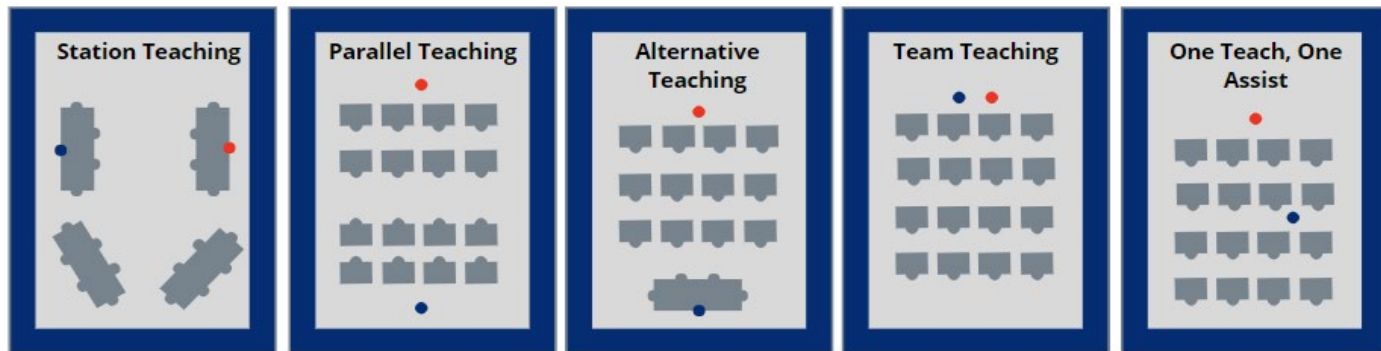


Co-teaching

One effective method of integrated services which encourages meaningful collaboration between special education and general education teachers is co-teaching. Co-teaching is a model used to deliver content while simultaneously providing support to students with disabilities. The co-teaching model makes use of the expertise of the general education teacher and special education teacher to deliver appropriate instruction to all students in the same classroom.

Five Co-Teaching Structures

1. **Station teaching:** Teachers divide content and split the class into two groups. Each teacher instructs one group, and then the other.
2. **Parallel teaching:** Teachers present material simultaneously, dividing the class into two groups.
3. **Alternative teaching:** One teacher instructs a large group, while another works with a smaller group needing specialized attention.
4. **Team teaching:** Both teachers work together to deliver content to the entire class at the same time.
5. **One teaches, one supports:** One teacher presents material to the class, while another circulates and provides unobtrusive assistance.



Effective co-teaching will incorporate multiple structures within any given class period and will be dependent on student needs and teacher strengths. In addition, school leaders can transform the mindset and language from “my classroom” or “my students” to “our classroom” and “our students.” While this may seem to be a small semantic change, this shift will have a positive impact on the school culture and expectations for each individual learner.

Consultation

Consultation may be provided by a special education teacher, speech-language pathologist, and/or related service provider. It is considered to be a service that is delivered by certified staff to certified staff, with minimal services (if any) provided directly to the student. Consultation may include, but is not limited to:

- Discussion on the implementation of the current IEP
- Review of current accommodations and progress on goals
- Implementation of behavior plan and/or behavior data
- Collaboration to revise/develop future IEPs

Integrated Services

Attempting to integrate services into non-academic times, may allow for natural peer supports and authentic social situations. Some ways this can be done include:

- Speech-language pathologists can target social and communication goals during non-academic times, such as recess and lunch, or support transition students during work-based learning times.
- Occupational therapists can support fine motor goals during handwriting blocks, or address self-regulation and sensory needs within a general education class during whole-group times, or in small-group rotations.
- Physical therapists can support students in physical education class, recess, or transition times, which are natural settings.

Evaluating Specialized Instruction to Support Professional Growth

The [Tennessee Educator Acceleration Model](#) (TEAM) promotes the collaboration of principals and educators to ensure high-quality instruction is being delivered to students every day. The information gained through frequent classroom observations allows for meaningful conversations between teachers and principals, as well as constructive and actionable feedback.

Often, principals report difficulties providing actionable feedback to special education teachers and related service providers due to their unique roles in educating students. An intervention or therapy session may be a vastly different experience than a whole class lesson and require the evaluator to look at the TEAM rubric components holistically. The pre-conference is one opportunity to gain insight into the role of the special education or related services providers. During the pre-conference, teachers and principals can discuss the variability of their lesson's content and/or delivery compared to that of a general education teacher. Since special education and/or related services are aligned to the student's IEP goals, it is important to recognize how a student's individualized plan may direct the service and content delivery.

This section will examine some common roles that special education teachers will be evaluated in: supporting Tier I instruction in the general education classroom, providing interventions outside of the general education classroom, and implementing comprehensive core instruction.

For additional observation guidance documents, [click here](#).

Special Education Teacher Supporting Tier I

With the understanding that all students are general education students first, it's important to recognize that often special education teachers will be observed when they are co-teaching in the general education setting. Therefore, when conducting observations, it is necessary to have an insight into the intricacies of the classroom. To achieve this, an observer should consider some of the following questions to ask during the pre-conference or during regular classroom visits.

Questions to Consider

- 1.) What is being brought to the classroom that would not be present otherwise?
- 2.) In what ways do you plan with the general education teacher?
- 3.) How do you plan to use student data when planning instruction?
- 4.) What strategies and modifications do you bring to the classroom?
- 5.) How do you plan lessons in a way that fulfills the goals and objectives of multiple IEPs?
- 6.) How do you plan for each student?

Special Education Interventionists

Another critical piece of special education service delivery is providing the most intensive intervention. If a special education teacher is co-teaching and providing intervention in addition to core instruction, when possible, it is beneficial to observe the teacher in multiple settings. This will provide a well-rounded understanding of the standards-based instruction and skills-based intervention the teacher is providing. In addition to the questions above, some additional questions should be considered when observing a special education teacher providing targeted intervention.

Questions to Consider

- 1.) How are the standards addressed and what will they look like (if modified) in the specific instructional setting?
- 2.) What is the direct link between what is on an individual students' IEPs, and what will be observed in today's lesson?
- 3.) What data are you collecting? How are you collecting this data? How will you use this data to drive your intervention?
- 4.) What evidence will indicate mastery?
- 5.) How are your students grouped in the intervention?
- 6.) How do the skills being taught align to Tennessee academic standards?

Keep in mind that intervention is based on a student's present levels of performance. Therefore, intervention decisions are made by analyzing individual student data to ensure an intervention is aligned to the student's need. Some intervention classes may only have 2-3 students, and therefore that group has been determined based on the student's present levels.

Comprehensive Programs

There are times when a student may require a high level of academic, behavioral, and/or communication supports that occur in a comprehensive development classroom (CDC) when determined to be a child's LRE. The presence of students with more significant disabilities does not equate to a reduction in high expectations. When observing a teacher in a comprehensive classroom, continue to maintain the mindset that all students can learn and demonstrate growth. While many students in the classroom are assessed on the alternate assessment, it's important to not make that assumption for all or to assume that students remain within CDC for the entire day. Many of the questions above will be relevant to ask. In addition, consider the following questions.

Questions to Consider


- 1.) How do you plan for your paraprofessionals/teaching assistant(s)?
- 2.) Do you reevaluate your goals and/or your teaching when progress is not demonstrated?
- 3.) How do the activities and goals contribute to long-term independence and post-secondary success? Are they functional and meaningful?
- 4.) Is student communication being encouraged, supported across activities/settings, and adjusted for different needs? (e.g. if a student has a communication device, is it available to him/her at all times? Are staff considering processing times for students' responses? Is language complexity adjusted to meet communication challenges?)
- 5.) How do you communicate with supporting staff to ensure necessary team members are informed about student needs (e.g., changes in scheduling, medical updates, etc.)?
- 6.) How do you ensure/plan for participation of students with complex needs in group activities?

Supporting Student Behaviors

Positive Behavioral Interventions and Supports

What is RTI²-B?

RTI²-B stands for Response to Instruction and Intervention for Behavior. RTI²-B helps schools create a positive culture for students and staff with the goal of improving academic and behavioral outcomes for ALL students. All of these efforts require a shared commitment school-wide to teach and reinforce positive behavior.

As a school leader, you ensure the school environment is safe, supportive, and conducive to teaching and learning for all students. One way to do this is through [Response to Intervention and Instruction for Behavior \(RTI²-B\) Framework](#). Developing positive behavioral interventions and supports will aid you and your IEP team in ensuring  all students receive the behavioral supports they need and that your school adheres to the provisions and regulations within state law (Tennessee Code Annotated (TCA) [§ 49-10-1301 to -1307](#), Special Education Behavior Supports Act (SEBSA) and

SBE rules ([Chapter 0520-01-09-.23](#)).

Below are considerations for a school leader's role in RTI²-B:

- Establish RTI²-B as a high priority within the school
- Support implementation efforts of RTI²-B
- Build a deep knowledge of RTI²-B (attend trainings and professional development days)
- Establish a representative leadership team to lead implementation efforts (select capable team members, ensure team is representative of school staff)
- Allocate time and resources to implementation efforts
- Guide (rather than dictate) decision-making
- Foster communication among leadership team and school staff
- Facilitate leadership by modeling and reinforcing RTI²-B implementation
- Regularly attend and participate in RTI²-B team meetings
- Provide recognition to staff and the team for their RTI²-B implementation efforts
- Serve as the spokesperson to community stakeholders about the positive impact of RTI²-B
- Monitor and provide feedback to all staff about RTI²-B implementation efforts³

³ Administrator: What is RTI²-B (n.d.). Retrieved March 30, 2021, from <https://tennesseebps.org/your-role/administrator/>

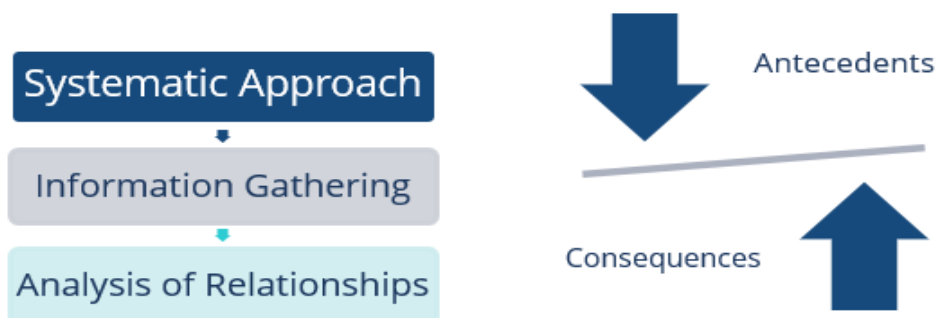
As a school leader you also have a key role in working with students in need of behavior supports and discipline, which provides you an opportunity to recognize student patterns. It is important to recognize and discuss with your school-wide RTI²-B leadership team when a student's behavior may be impeding his or her own learning and/or the learning of others to such a degree that they may require more intensive behavior support through special education. It is recommended that a special educator is included on this team to ensure FAPE is being provided and a student's IEP accurately reflect the student's needs (i.e., intervention, supports, accommodations).

For more information related to special education support for behavior, please refer to the [Special Education Framework](#) and [behavior resources](#) webpage.

FBA and BIPs

Functional Behavioral Assessment (FBA)

A functional behavioral assessment (FBA) is an evaluation that searches for an explanation of the purpose behind a problem behavior. It is a systematic approach of information gathering to help analyze the relationship between antecedents of a student's problematic behavior and the resulting consequences. The results of the FBA help teams determine effective behavior plans.



An FBA may be conducted by school personnel and does not require a specific licensure or degree. However, school teams may seek to include a behavior specialist or school psychologist to guide the discussions, conclusions, and intervention or Behavior Intervention Plan (BIP) development. It is the LEA's responsibility to provide professional development or in-service training for school staff to ensure they can conduct an FBA and provide appropriate behavioral interventions and supports. A school may also choose to include an expert who is not currently a school employee. This is not a simple, one-time process and may need to be revisited several times throughout the year, especially when there are changes associated with the student's day or behavioral functioning. A full IEP meeting is not necessary each time the team reviews a student's FBA; however, if the results of the FBA (or FBA review) may impact a student's provisions of services and supports through the IEP, an IEP team meeting must be held to make

any changes to the IEP. **Please note that the LEA must provide prior written notice and the parent(s) must provide written consent for the team to conduct an FBA that may impact the student’s eligibility or services.**

It is important to understand that an FBA may not be a quick evaluation, but it can aid in understanding why students are struggling. This process should include a team gathering of information. The team might include the student, parents, both general education and special education teachers, school psychologists, school administrators, and other professionals that work with the student. The team works together to gather the information to create a behavior intervention plan which decreases and/or resolves the problematic behavior that is impeding the learning of the student or others. There are major components that a thorough FBA should include. The components can be found on the table below.

Type of FBA:	Appropriate When:	What Is Included:
Assessment based on a review of available information	<ul style="list-style-type: none"> • High-frequency behaviors that are not dangerous 	<ul style="list-style-type: none"> • Informed consent for assessment • Review of records • Informal or formal interviews
Direct assessment	<ul style="list-style-type: none"> • Dangerous behaviors, • Pervasive and complex behaviors, • Behaviors significantly impacting learning 	<ul style="list-style-type: none"> • Informed consent for assessment • Problem behavior identification and definition • Data collection • Data analysis • A hypothesis regarding the function of the behavior

Behavior Intervention Plan (BIP)

A behavior intervention plan (BIP) is developed from the FBA. A BIP includes strategies, program modifications, and supplementary aids and supports aimed at decreasing problem behaviors and reinforcing replacement behaviors that allow the child to be educated in the LRE. The BIP is the playbook that specifically outlines the responsibilities and actions for the adults to create an individual coherent and consistent plan for the student. The IEP team should indicate how the behavior will be addressed on the IEP and should revisit the BIP at every IEP meeting. As the student grows and develops, the strategy(s) and behavior intervention(s) need

to grow and develop as well. Most importantly, the strategy(s) selected need to be ones that the whole team can implement with fidelity to increase the likelihood of a successful BIP.

An example of a BIP can be found at the [Tennessee Behavioral Support Project](#) of Middle Tennessee.

Laws and Regulations Associated with FBAs and BIPs

Parent written informed consent is required before an FBA of any type may be completed. See OSEP Letter to Christiansen (Feb. 9, 2007). A prior written notice must be completed to document the decision to evaluate and how the decision was made. There are specific instances in which an FBA and BIP must be completed (or an existing one reviewed) based on IEP decisions associated with manifestation determination reviews ([34 C.F.R. § 300.530](#)) or the provision of use of restraint or isolation within IEP (T.C.A. [§§ 49-10-1301 to -1307](#)). See those sections of this manual for more details on when each are required.

Isolation/Seclusion and Restraint

The Special Education Behavior Supports Act (T.C.A. [§§ 49-10-1301 to -1307](#)) and the State Board of Education rules ([Chapter 0520-01-09-.23](#)) address responses provided by school personnel in an emergency situation (i.e., a child's behavior poses a threat to the physical safety of the student or others nearby) involving students receiving special education services. It is important that administrators understand the law and rules in order to protect students from unwarranted and prohibited restraint and/or isolation, train staff appropriately, and keep all involved persons safe. The law includes allowable actions and prohibited actions. Both the rule and law provide requirements for districts, schools, and supervisors/ administrators. Specifically, they address definitions, reports and records, restrictions, training, required policies and procedures, and IEP meeting requirements related to the use of isolation and restraint.

Several restraint training programs are utilized across the state to support staff when an emergency warrants restraint. Training programs such as Crisis Prevention Institute (CPI) and Certified Restraint Training (CRT) focus on de-escalation strategies and restraint training. While training programs may designate types of physical holds they certify as a proper restraint, and districts may implement procedures for isolation, it is important that administrators understand the legal requirements outlined in state law and rule. See [T.C.A. § 49-10-1303](#) and [SBE Rule 0520-01-09-.23](#) for a thorough review of the inclusionary and exclusionary components. Below is the basic definition of isolation and physical holding restraint:

- "Isolation" or "seclusion" means confinement of a student alone, with no other students, staff, or persons present, in a room with or without a door, or other enclosed area or

structure where the student is physically prevented from leaving because a door, object, or school personnel is blocking the student’s exit. Isolation or seclusion does not include time-out, which may involve the voluntary separation of an individual student from others. See T.C.A. § 49-10-1303(4).

- “Physical holding restraint” means the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body. But See T.C.A. § 49-10-1303(8)(A)-(E) (listing five exceptions to the definition of physical holding restraint).

SEBSA emphasizes that first and foremost schools should implement positive behavioral interventions and supports to create a climate and culture that reduces the likelihood of escalating behaviors requiring the use of isolation or restraint. Therefore, if a school is demonstrating high or increasing numbers of isolations or restraints, it is imperative to evaluate the implementation of such supports and ensure proactive strategies are implemented with fidelity to reduce the use of these emergency measures. If a specific student’s behavior impacts their educational performance or leads to emergency situations, the IEP team should consider how to best address them. A functional based assessment and behavior intervention plan may be needed to reduce the likelihood of future emergencies.

A summary of school and district responsibilities is below:

Use of Isolation or Restraint	A student receiving special education services may be restrained or isolated only in emergency situations. Trained school personnel should impose restraints or isolations, but other school personnel may impose restraints or isolations when trained personnel are not immediately available. The student’s condition must be evaluated within a reasonable time by authorized personnel. T.C.A. § 49-10-1304(a), (c), and (d)(1).
Reporting	School personnel must report the isolation or restraint to the school principal or principal’s designee who will ensure the use of isolation or restraint and the facts surrounding it are recorded using the EasyIEP reporting form (see recorded PowerPoint reviewing the required reporting process here). SBE Rule 0520-01-09-.23(9)(a); T.C.A. § 49-10-1304(e)(1).
Report Review	The school district special education director must review the report form and indicate if an IEP meeting must occur. SBE Rule 0520-01-09-.23(9)(b); T.C.A. § 49-10-1304(d)(2). EasyIEP will notify the director (or their designee) a report has been drafted for their review and submission as soon as it is entered into the system.
Parent Notification	Parents must be notified orally, by written, or by printed communication the same day the restraint or isolation was used. T.C.A. § 49-10-1304(d)(1).
IEP Meetings	IEP meetings are required to address incidents of restraint and isolations in certain situations. See T.C.A. § 49-10-1304(d)(2). A state guidance memo

	summarizing those situations can be found here . Invitations and prior written notices should document the reasons for those meetings and any decisions made in response to them. An important note, while isolation and restraints are allowable in an emergency for any student, and the inclusion of the provision of either in an IEP is based on FBA and BIP data and only impacts the decisions regarding when an IEP meeting must be held. If restraints or isolations are included in a student's IEP, the IEP language should clearly indicate the use of restraints and isolations, and not simply a reference to the use of training. Additionally, if an IEP Team suggests adding restraints or isolations to a student's IEP, the IEP Team should advise the student's parents about SEBSA, SBE Rule 0520-01-09, and the IDEA's procedural safeguards. SBE Rule 0520-01-09-.23(6)).
Policies and Procedures	School districts must develop policies and procedures governing personnel authorized to use isolation and restraint, training requirements, and incident reporting procedures. SBE Rule, Chapter 0520-01-09-.23(4)).
Restrictions	The following terms are defined in T.C.A. § 49-10-1303 and are prohibited by T.C.A. § 49-10-1305: chemical restraints; administering noxious substances; mechanical restraints; any form of life-threatening restraint; use of either as means of punishment, coercion, convenience, or retaliation; or locking a student in room.
Training Programs	School districts will develop and implement training programs to include the use of positive behavior interventions and supports, nonviolent crisis prevention and de-escalation, safe administration of isolation and restraint, and documentation/reporting requirements. SBE Rule 0520-01-09-.23(2).
Records	Schools are required to maintain records of use of isolation and restraint. T.C.A. § 49-10-1306(a). EasyIEP provides report summaries that can be created and reviewed by specific user types. Hard copies of the incidents reported can also be downloaded or printed from the EasyIEP systems for each student. While districts are required a summary report regarding the use of the isolation and restraints pursuant to TCA § 49-10-1306, the department will pull the district report from EasyIEP directly, therefore the district must ensure that all the individual incidents have been submitted through the system. District reviews of their own reports must also be used to help develop and make decisions regarding behavior intervention training programs.
Responding to Behaviors Leading to a Juvenile Petition	School personnel may file a juvenile petition against a student receiving special education, only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability. T.C.A. § 49-10-1304(3)(B).

Discipline Considerations and Manifestation Determinations

Districts develop discipline policies to ensure consistent and clear expectations and consequences. School leaders must also be knowledgeable about the IDEA rules and limitations

regarding disciplinary actions when a student with a disability violates a code of student conduct. See [34 C.F.R. § 300.530](#).

The Special Education Framework Component 12 provides guidance on implementing discipline rules and procedures. The regulations and processes vary based on:

- a removal less than 10 cumulative schools days;
- a removal 10 or more cumulative school days; or
- special circumstances resulting in 45-day interim placement.

The flowchart below in [Figure 6](#) outlines the steps that a school district must take when disciplining a student with a disability.

Discipline of Student with Disabilities under the Individual with Disabilities Education Act (IDEA)

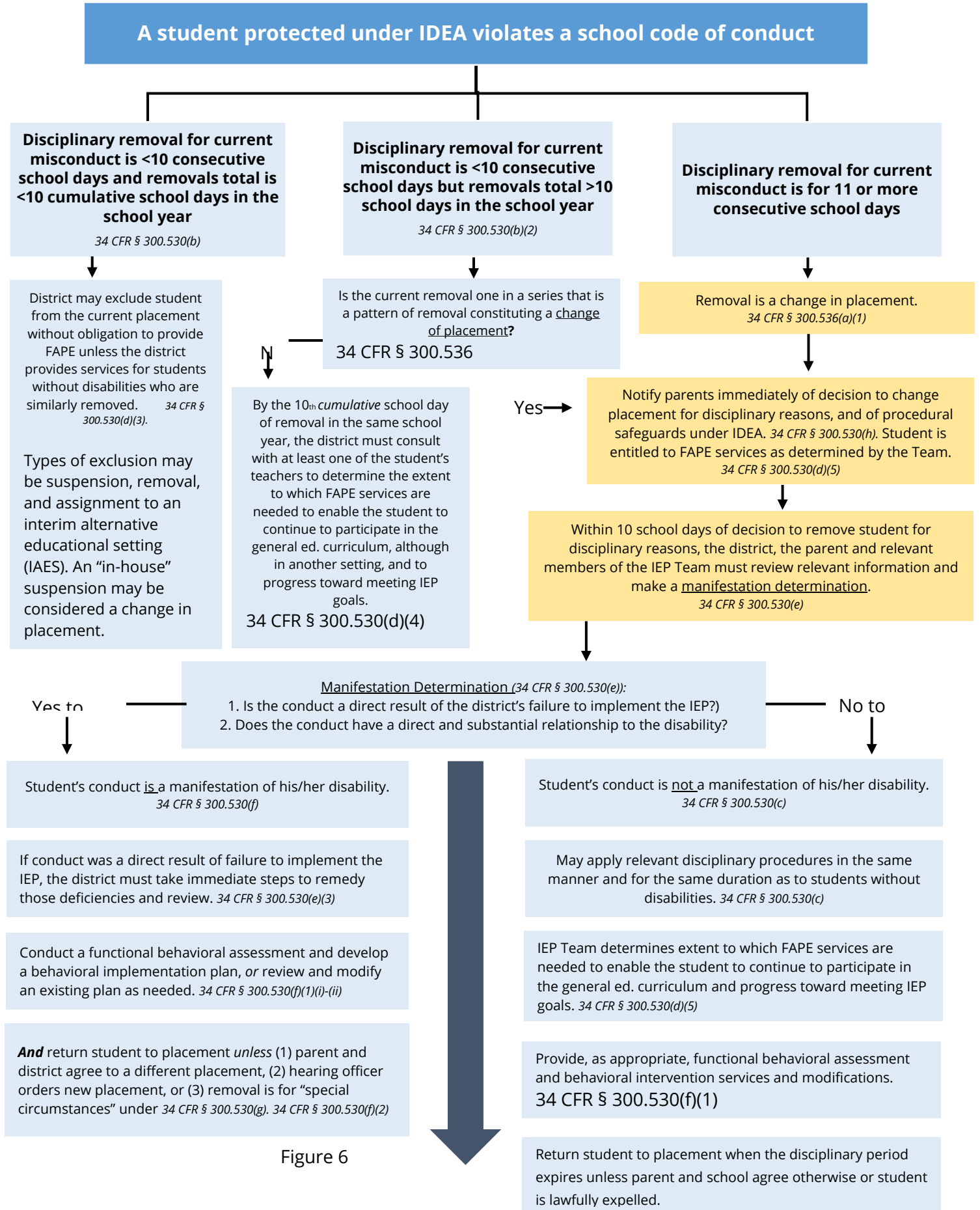


Figure 6

Manifestation Determination Review

A manifestation determination review (MDR) is an evaluation of a student’s misconduct to determine whether that conduct is a result of the student’s disability. An LEA must conduct an MDR within 10 school days of certain decisions to change the student’s placement because of a code of conduct violation. See 34 C.F.R. § 300.530(e). Specifically, an MDR must be conducted when:

- the LEA removes the student from his or her current educational placement for more than *10 consecutive* school days in a school year.
- the LEA removes the student from his or her current educational placement for a total of more than *10 cumulative* days across a school year and those removals constitutes a pattern because the student’s behavior is substantially similar. See 34 C.F.R. § 300.536(a).

Remember that a “change in placement” refers not just to the student’s educational placement (e.g., placement in a regular classroom versus placement in a disciplinary classroom), but also to the services provided to the student (e.g., whether the student continues to receive all services listed in the IEP during the disciplinary period).

The MDR meeting should include the student’s parents, the school leader responsible for disciplinary determinations, and other relevant members of the student’s IEP team. The LEA must notify the student’s parents about the MDR meeting at least 24 hours prior to the meeting. See SBE Rule 0520-01-09-.15(3). The meeting must occur within 10 calendar days or less.

At the MDR meeting, the team should review all relevant information to determine if the student’s misconduct was caused by:

- was caused by, or had a direct and substantial relationship to the student’s disability; or
- was the direct result of the LEA’s failure to implement the IEP.

For more information, see [Special education Framework Component 12.4](#).

Manifestation Review Decisions – District Responsibilities

Decision	Responsibility
The conduct in question was a manifestation of the student’s disability because it was the direct result of the LEAs failure to implement the IEP.	The district must take immediate steps to remedy the deficiencies and return the student to the placement from which the student was removed. Either conduct an FBA, unless one has already been completed on the behavior, or if a BIP has already been developed, review the plan and modify as needed.
The team determines the conduct in question was a manifestation of the student’s disability.	Return the student to the placement from which the student was removed. Either conduct and FBA, unless one has already been completed on the behavior, or if a BIP has already been developed, review the plan and modify as needed.

Decision	Responsibility
<p>The conduct in question was not a manifestation of the student's disability.</p>	<p>If the student is removed to their current placement, continue to provide educational services (general education curriculum and special education and related services) in another setting. As appropriate, completed a FBA and develop an BIP to address behavior violations to prevent reoccurrence.</p>

Making Changes to a Child's IEP after the Annual IEP Team Meeting for a School Year

In the event that a student with a disability is subject to a disciplinary removal after the IEP for that school year has been developed, and circumstances prevent the IEP Team from convening prior to the child's return to school, the IDEA regulations permit the parent and public agency to agree not to convene an IEP Team meeting and instead to develop a written document to amend or modify the current IEP to address the behavior. This option could be used to provide the child with the necessary behavioral supports upon the child's return to school. However, if changes are made to the child's IEP in this manner, the agency must ensure that the IEP Team is informed of those changes. 34 C.F.R. § 300.324(a)(4)(ii).

Appendix A: Administrative Complaints Frequently Asked Questions (FAQ)

Administrative Complaints FAQ	
What is an administrative complaint?	A written allegation that a school district has failed to follow federal and/or state special education laws and a request for an investigation into the allegation. The administrative complaint process is a corrective action process. The purpose of an administrative complaint is not to punish the school system; it is a way to ensure that the law is followed. Parents do not receive punitive damages, nor are school systems fined for violations.
Who can file an administrative complaint?	A parent, other concerned individual, or an organization may file an administrative complaint. However, a person or organization, other than the parent, filing a complaint would need to provide a signed release of information from the parent of the child before any information related to the child could be released to them. Sometimes, advocates assist parents in writing/filing an administrative complaint. The advocate would need to have a signed release of information from the parent as well. Anonymous complaints cannot be accepted for investigative purposes.
What common issues <i>cannot</i> be addressed through an administrative complaint?	<p>Issues that are under the control of the local school system cannot be addressed through an administrative complaint. Personnel issues, promotion or retention, grade assignment, school assignment, and teacher assignments are made according to local school board policy and should be appealed locally.</p> <p>Allegations of abuse or discrimination cannot be addressed through the administrative complaint process. Any allegation of abuse should be directly reported to a local law enforcement agency or the Department of Children Services. Any allegation regarding discrimination or a violation of Civil Rights should be reported to your local school board's Title VI, Title IX, or Section 504 coordinator, or directly to the Office of Civil Rights.</p>
What does the administrative complaint process involve?	An administrative complaint is submitted TDOE. The complainant and LEA will receive a letter indicating whether the complaint can be investigated. An IDEA complaint investigator will gather evidence or documentation in whatever means deemed appropriate to address the complaint. The investigation may require additional documents, email or telephone communications, and site visits. Unless there are extenuating circumstances, any investigation is completed within sixty (60) calendar days. If a school system is found to have violated one or more federal and/or state regulations, it will be required to complete a Corrective Action Plan. The Department will monitor the school system until it is satisfied that the corrective actions have been completed.

Appendix B: Mediation Frequently Asked Questions (FAQ)

Mediation FAQ	
Who can request a mediation?	Either the student’s parents or the LEA can suggest mediation, but both the parents and the LEA must agree to attend mediation.
What issues can mediation cover?	Mediation can cover any disagreement between the student’s parents and the LEA about the provision of special education or related services, including, but not limited to, the identification, evaluation, educational placement, or provision of FAPE to a child who needs or is suspected of needing special education and related services.
When can mediation be requested?	Mediation can be requested at any time within two years of the issue arising. If a due process hearing has been requested about the same issue, the parties can mediate the issue at any point before the administrative law judge makes a final decision about the issue. The mediation may stay the due process hearing. If an administrative complaint has been filed about the same issue, the parties can mediate the issue at any point before TDOE makes a final determination about the issue. The mediation will stay the administrative complaint.
How can mediation be requested?	Mediation can be requested by submitting a mediation request form, completed by both the student’s parents and a representative of the LEA, to TDOE.
What happens at mediation?	Mediation is guided by a trained, impartial mediator. Both the student’s parents and representatives of the LEA will have opportunities to confidentially discuss the facts and the legal issues with the mediator. The mediator helps each party understand the other party’s point of view and concerns, helps the parties identify potential solutions, and then helps the parties reach a mutually agreeable resolution, if possible.
How are mediations resolved?	The student’s parents and the LEA are not required to reach a resolution at mediation. If they are able to reach an agreement, they will often sign a mediation agreement outlining the terms of the agreement and detailing the plan for the child’s education moving forward. If they are unable to reach an agreement, either side can choose to request a due process hearing about

Appendix C: Due Process Hearing Frequently Asked Questions (FAQ)

Due Process Hearing FAQ	
Who can request a due process hearing?	Either the student's parents or the LEA can request a due process hearing. The other side does not have to agree to a due process hearing.
What issues can due process hearings cover?	Due process hearings can cover any disagreement between the student's parents and the LEA related to the identification, evaluation, educational placement, or provision of FAPE to a child who needs or is suspected of needing special education and related services.
When can a due process hearing be requested?	A due process hearing can be requested at any time within two years of the issue arising.
How can a due process hearing be requested?	A due process hearing can be requested by submitting a request form to TDOE.
What happens after a due process hearing is requested?	The parties are encouraged to attend a resolution session or a mediation shortly after the request is filed. If the parties waive that opportunity or the resolution session or mediation is unsuccessful, the parties generally seek relevant evidence or information through written discovery or depositions. Once that discovery period is complete, a judicial proceeding occurs in which the parties present evidence through witnesses before an administrative law judge. After the final hearing, the administrative law judge issues a final opinion and order finding in favor of one of the parties.
How are due process hearings resolved?	Due process hearings can be resolved between the parties at any time, including at the resolution session or a mediation. If the due process hearing proceeds to a final hearing, the issue is resolved when the administrative law judge issues a final opinion and order finding in favor of one of the parties.

Appendix D: Overview of Special Education Meetings

Meeting Type	Team Members	Data Needed	Documents Needed
Special Education Referral	<ul style="list-style-type: none"> • Parent and/or guardian • Regular education teacher • Special education teacher • A representative of the public agency (LEA) • Any additional person involved in the education or care of the child. 	<ul style="list-style-type: none"> • Classroom based observations and assessments • Information from parent • Existing evaluations • Observations by teacher and/or related service providers 	<ul style="list-style-type: none"> • Informed parental consent for evaluation for special education (if appropriate) • Procedural safeguards (should be offered in parent’s native language) • Prior written notice (PWN)
Eligibility Review	<ul style="list-style-type: none"> • Parent and/or guardian • Regular education teacher • Special education teacher • A representative of the public agency (LEA) • Interpreter of evaluation results • Student whenever appropriate • Other qualified professionals based on suspected disability and other relevant factors 	<ul style="list-style-type: none"> • Assessment results, including observational data, for each area evaluated • Data supporting the presence or absence of educational impact 	<ul style="list-style-type: none"> • Procedural safeguards (should be offered in parent’s native language) • Written evaluation report • Eligibility report • Parental consent for the <i>initial</i> provision of special education and related services • PWN
Annual IEP	<ul style="list-style-type: none"> • Parent and/or guardian • Regular education teacher • Special education teacher • A representative of the public agency (LEA) • Interpreter of evaluation results • Student whenever appropriate 	<ul style="list-style-type: none"> • Present levels of educational performance • Progress monitoring • Data to support the need for accommodations or modifications • Data to support need for assistive technology 	<ul style="list-style-type: none"> • Procedural safeguards (should be offered in parent’s native language) • 10-day notice of invitation to meeting for parent/student • Finalized IEP • PWN • Draft (if created) is offered to parent 48 hours in advance
<u>Manifestation Determination Review</u>	<ul style="list-style-type: none"> • Parent and/or guardian • A representative of the public agency (LEA) 	<ul style="list-style-type: none"> • All relevant information in the student’s file (including a review of past evaluations) 	<ul style="list-style-type: none"> • Procedural safeguards (should be offered in parent’s native language)

Meeting Type	Team Members	Data Needed	Documents Needed
	<ul style="list-style-type: none"> Relevant IEP team members (decided by the parent and LEA) 	<ul style="list-style-type: none"> The student's IEP Functional behavior assessment and behavior intervention plan (if applicable) Discipline information/data Teacher observations Relevant information provided by the parent Student interview (regarding behavior leading to disciplinary action) 	<ul style="list-style-type: none"> Notice of meeting Manifestation determination review document PWN
Annual IEP with Transition Plan (age 14+)	<ul style="list-style-type: none"> Parent and/or guardian The student (age 14 and older) Regular education teacher Special education teacher A representative of the public agency (LEA) Interpreter of evaluation results Other individuals with knowledge or expertise regarding the child, including related service providers As appropriate and with parent written permission, an outside agency representative 	<ul style="list-style-type: none"> Same data needed for annual IEP 	<ul style="list-style-type: none"> Same documents as annual IEP Parental written permission to invite outside agency
Part C to Part B Early Childhood Transition Planning Conference (TPC) (Part C is Tennessee's	<ul style="list-style-type: none"> Parent and/or guardian Part C/TEIS service coordinator A representative of the public agency (LEA) Other individuals invited by the parent and/or guardian with knowledge or expertise regarding the child 	<ul style="list-style-type: none"> Part C/TEIS will provide available data for this meeting 	<ul style="list-style-type: none"> Procedural safeguards (should be offered in parent's native language) Informed parental consent for evaluation for special education (if appropriate depending on need and timing of TPC relative to the child's third birthday) LEA representative's contact information to be given to parent and/or guardian

Meeting Type	Team Members	Data Needed	Documents Needed
Early Intervention System or TEIS in Tennessee; Part B refers to the Local Education Agency or LEA)			<ul style="list-style-type: none"> Any necessary paperwork required by the LEA
Use of Translator and/or Interpreter: School systems must take action necessary to ensure parents or guardians understand the purpose, decisions, and results of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.			

Appendix E: Parent Guide Tennessee Diploma and Postsecondary Education Options

** Students can continue receiving services through an IEP until they receive a regular education diploma or age 22 (21 inclusive)*

MONEY FOR COLLEGE

For more information visit <https://www.tn.gov/content/tn/collegepays/money-for-college.html> and <https://fafsa.ed.gov/>

TENNESSEE HOPE SCHOLARSHIP <https://www.tn.gov/content/tn/collegepays/money-for-college/tn-education-lottery-programs.html> Lottery revenue based and available only to Tennessee residents. For Non-Traditional students, see here: <https://www.tn.gov/collegepays/money-for-college/tn-education-lottery-programs/tennessee-hope-scholarship--nontraditional.html>

TENNESSEE PROMISE <http://tennesseepromise.gov/> Provides students a last-dollar scholarship, meaning the scholarship will cover tuition and fees not covered by the Pell grant, the HOPE scholarship, or state student assistance funds. Students may use the scholarship at an eligible institution offering an associate's degree program, here: http://tennesseepromise.gov/files/TNPromiseListofInstitutions_032217.pdf

TENNESSEE STEP UP SCHOLARSHIP <https://www.tn.gov/collegepays/money-for-college/state-of-tennessee-programs/tennessee-step-up-scholarship.html> Assists students with intellectual disabilities who have completed high school and enroll in an individualized program of study of up to four (4) years at an eligible postsecondary institution.

COLLEGE SUPPORT PROGRAMS

- **Austin Peay State University (Clarksville) - Full Spectrum Learning**
www.apsu.edu/full-spectrum-learning
- **University of Tennessee (Chattanooga) - MoSAIC Program**
www.utc.edu/disability-resource-center/mosaic/

COMPREHENSIVE TRANSITION PROGRAMS

- **David Lipscomb University (Nashville) - IDEAL Program**
www.lipscomb.edu/education/ideal-program
- **Union University (Jackson) - EDGE Program**
www.uu.edu/programs/education/edge/
- **University of Memphis (Memphis) - Tiger Life**
<https://blogs.memphis.edu/tigerlife/>
- **University of Tennessee (Knoxville) - FUTURE Program**
<http://futureut.utk.edu/>
- **Vanderbilt University (Nashville) - Next Steps Program**
<http://vkc.mc.vanderbilt.edu/vkc/nextsteps/>

PARENT OR CAREGIVER'S ROLE

Parents and caregivers provide the foundational role of support, nurturance and guidance for their children. Like any parent of a child heading towards graduation, it is your responsibility to help support your child's future by researching and visiting potential schools, employers and living arrangements. Enjoy this time with your child while helping him or her find the right "fit" in their future plans.