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Sequence Number: 02-06-09
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 File Date: 02/06/2009

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Rich Haglund
Address:	710 James Robertson Pkwy, 9 th Floor
Phone:	615.253.5707
Email:	Rich.haglund@state.tn.us

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Rich Haglund
Address:	710 James Robertson Pkwy, 9 th Floor
Phone:	615.253.5707
Email:	Rich.haglund@state.tn.us

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	710 James Robertson Pkwy		
Address 2:	1 st Floor Conference Room		
City:	Nashville		
Zip:	37243		
Hearing Date :	04/30/2009		
Hearing Time:	10 a.m.	<input checked="" type="checkbox"/> X CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.23	Isolation and Restraint

New Rule

Rule 0520-01-09 Special Education Programs and Services is amended by inserting the following as a new, appropriately numbered rule:

0520-01-09-.23 Isolation and Restraint

- (1) Definitions
 - (a) Emergency situation means that a child's behavior places the child or others at risk of violence or injury if no intervention occurs.
 - (b) Extended isolation means isolation which lasts longer than one (1) minute per year of the child's age.
 - (c) Extended restraint means a physical holding restraint lasting longer than five (5) minutes.
 - (d) Isolation room means a space designed to isolate a child that is unlocked, cannot be locked from the inside, without structural barriers to exit, free of any condition that could be a danger to the child, well ventilated, sufficiently lighted, and where school personnel are in direct visual contact with the child at all times. Such spaces must comply with all applicable state and local fire codes.
 - (e) Noxious substance means a substance released in proximity to the child's face or sensitive area of the body for the purpose of limiting a child's freedom of movement or action, including but not limited to Mace and other defense sprays.
- (2) Local education agencies are authorized to develop and implement training programs that include:
 - (a) Use of positive behavioral interventions and supports;
 - (b) Nonviolent crisis prevention and de-escalation;
 - (c) Safe administration of isolation and restraint; and
 - (d) Documentation and reporting requirements.
- (3) Local education agencies are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.
- (4) Local education agencies shall develop policies and procedures governing:
 - (a) Personnel authorized to use isolation and restraint;
 - (b) Training requirements; and
 - (c) Incident reporting procedures.
- (5) Only the principal, or the principal's designee, may authorize the use of isolation or restraint.
- (6) When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. §49-10-1301, et seq., this rule and the IDEA procedural safeguards.

Authority: T.C.A. §§ 49-10-1301 through 1306.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: February 4, 2009

Signature: R.F. Haglund

Name of Officer: Rich Haglund

Title of Officer: General Counsel



Subscribed and sworn to before me on: 2/4/09

Notary Public Signature: Phyllis E. Childress

My commission expires on: _____

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Filed with the Department of State on: 2/6/09

Tre Hargett

Tre Hargett
Secretary of State