NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
Mississippi Department of Education
Office of Special Education

Mississippi Department of Education
c/o Ann Moore
359 North West Street
P. O. Box 771
Jackson, Mississippi 39205-0771
601-359-3498
anmoore@mde.k12.ms.us

Specific Legal Authority authorizing the promulgation of Rule: Miss. Code Ann. §§ 37-23-1 *et seq.* and 34 CFR 300

Reference to Rules repealed, amended or suspended by the Proposed Rule: State Board of Education Policy 7219

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
The Individuals with Disabilities Education Act of 2004 requires each state to:

1. Ensure that any State rules, regulations and policies relating to IDEA conform to the requirements of the federal statute and regulations;
2. Identify in writing to local educational agencies *(LEAs)* located in the State and the Secretary of Education any such rule, regulation, or policy as a State-imposed requirement that is not required by the federal statute and regulations; and
3. Minimize the number of rules, regulations, and policies to which the *LEAs* and schools located in the State are subject under the federal statute and regulations.

This rule is proposed ☒ as a Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

☒ An oral proceeding is scheduled on this rule on:
May 11, Child Guidance Center, 407 South Main Street, Greenville, MS, 5:30 p.m. – 7:30 p.m.
May 12, Ridgeland High School Auditorium, 586 Sunnybrook Road, Ridgeland, MS, 5:30 p.m. – 7:30 p.m.
May 18, Hattiesburg High School, 301 Hutchinson Avenue, Hattiesburg, MS, 5:30 p.m. – 7:30 p.m.
May 26, University of Mississippi, 1918 Briar Ridge Road, Tupelo, MS, 5:30 p.m. – 7:30 p.m.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: April 17, 2009

Proposed Effective Date of Rule: July 17, 2009

Signature and Title of Person Submitting Rule for Filing

Ann Moore, **Associate Superintendent**

SOS FORM APA 001
Effective Date 07/29/2005