

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI  
Mississippi Department of Education  
Office of Special Education

Mississippi Department of Education  
c/o Ann Moore  
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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Reference to Rules repealed, amended or suspended by the  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

Date Rule Proposed: April 17, 2009

**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.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

May 11, Child Guidance Center, 407 South Main Street, Greenville, MS, 5:30 p.m. – 7:30 p.m.  
May 12, Hinds Community College/Rankin Campus, Pearl, 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 was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:  
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and  
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

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

Effective Date of Rule: July 20, 2009



Signature and Title of Person Submitting Rule for Filing

Ann Moore, Associate Superintendent