S T A T E O F T E N N E S S E E
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Opinion No. 07-114

State Special Schools

QUESTION

Is the Tennessee Infant Parent Services (TIPS) Program a state special school?

OPINION

No. TIPS is a program administered by the State Department of Education's Division of Special Education and is not a state special school.

ANALYSIS

There are no Tennessee statutes, rules or regulations that specifically address the TIPS program. According to information provided by the Tennessee Department of Education, the TIPS program is a statewide, home-based program for families of children ages birth to three years who have developmental delays. The program is administered by the Department of Education through the Division of Special Education's Early Intervention System, which is the entity responsible for the planning, implementation, supervision, monitoring, and technical assistance for the State's Early Intervention System for infants and toddlers with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) at 20 U.S.C. § 1431, *et seq*.

The power to create a state special school is vested solely in the General Assembly. *See* Tenn. Const. Article XI, § 12. The General Assembly has not granted the power to create a state special school to either the Commissioner of the Department of Education or the State Board of Education (*see* Tenn. Code Ann. §§ 49-1-201, 49-1-302), and the TIPS program was neither created by the General Assembly as a state special school, nor has it been designated as such by a legislative act. Indeed, the only institutions of public instruction acknowledged as "state special schools" are the Tennessee School for the Blind, the Tennessee School for the Deaf and the Alvin C. York Agricultural Institute. *See* Tenn. Code Ann. § 49-50-1001, *et seq*.

Accordingly, the TIPS program is not a state special school.

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