
Education of Incarcerated Students, Rules 0502-01-12

The Background:

On April 17th, 2017, Governor Haslam signed Public Chapter 152 that requires the Department of Education and the State Board of Education to develop rules to ensure students incarcerated in detention centers are provided educational services. In many cases, students are incarcerated in centers located in an LEA jurisdiction different than their home LEA. Therefore, procedures are needed to ensure the swift transfer of educational records and funding.

The proposed rule sets out the requirements for the following:

- Responsibility for the education of students incarcerated in juvenile detention centers.
- Notification and transfer of records timeline for students held in a center outside of their home LEA.
- Educational requirements and responsibilities for the students incarcerated in juvenile detention centers.
- Calculation of the BEP funding amount to be received by the LEA in which the juvenile detention center is located from the LEA in which the student was enrolled at the time of incarceration for the length of the student's incarceration.
- Monitoring of the detention centers to ensure compliance with these rules.

Since first reading the following changes were made:

- **Page 1:** Clarifies LEA responsible for serving students in juvenile detention center when the center is geographically located in an LEA that cannot appropriately serve the age or grade level of the students.
- **Page 2:** Clarifies requirements for students enrolled in a charter school prior to their incarceration in a juvenile detention center.
- **Page 3:** Clarifies minimum education must include English language arts and mathematics.

The Fiscal Analysis Impact:

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item will have a financial impact on an LEA to the extent it transfers Basic Education Program (BEP) funds associated with a student from the LEA where he or she was enrolled prior to incarceration to the LEA serving the student while incarcerated in the detention center.

The Recommendation:

The Department of Education recommends adoption of this item on final reading. The SBE staff concurs with this recommendation.