

**RULES OF THE STATE BOARD OF EDUCATION
CHAPTER 0520-01-12
EDUCATION OF INCARCERATED STUDENTS**

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0520-01-12-.01 SCOPE OF RULES

- (1) Each Local Education Agency (LEA) shall be responsible for providing educational services to general education students detained in Juvenile Detention Centers located in the LEA's jurisdiction.
- (2) A Juvenile Detention Center shall be considered within an LEA's jurisdiction when the Juvenile Detention Center is within the geographic boundaries of the LEA and the LEA can appropriately serve the age or grade level of the student located at the Juvenile Detention Center.
- (3) These rules shall apply to general education students only. Students eligible for services under the Individuals with Disabilities Education Act (IDEA) will continue to be served through the IDEA Amended and Restated Interagency Agreement.
- (4) The LEA where the Juvenile Detention Center is located or to which the Department of Education has assigned the Juvenile Detention Center under paragraph (2) of this rule shall be responsible for providing educational services to the students. These educational services may be provided directly by the LEA, through contract, or through other methods deemed appropriate by the LEA.

0520-01-12-.02 DEFINITIONS

- (1) "Center" means a Juvenile Detention Center as defined in T.C.A § 37-5-501 and licensed by the Department of Children's Services under T.C.A. § 37-5-502.
- (2) "Commissioner" means the Commissioner of the Tennessee Department of Education.
- (3) "Department" means Tennessee Department of Education.
- (4) "ESP" means an individualized Educational Service Plan, which shall be developed jointly by the home local education agency and the receiving local education agency.
- (5) "Home LEA" means the local education agency in which the incarcerated student was enrolled at the time of their placement into the Center.
- (6) "Instructional Day" means a day when the receiving local education agency is in session and providing classroom instruction based on the receiving local education agency's instructional calendar.
- (7) "LEA" means Local Education Agency.

(Rule 0520-01-12-.02, continued)

- (8) "Student" means a youth detained in a Center.
- (9) "Receiving LEA" means the LEA in which the Center is located or the LEA providing educational services to students held in a Center outside of their home LEA.

0520-01-12-.03 NOTIFICATIONS AND TRANSFER OF RECORDS FOR STUDENTS HELD IN A CENTER OUTSIDE OF THEIR HOME LEA

- (1) Once a student has been held in a Center outside of their home LEA for seventy-two (72) hours, the Center shall notify in writing the home LEA, the receiving LEA, and the Department of the name of the student incarcerated, the location of incarceration, and the date the student was incarcerated.
- (2) Students held in a Center outside of their home LEA shall remain enrolled in the home LEA for the purpose of generation of BEP funding pursuant to guidelines developed by the Department.
- (3) Once a student has been held in a Center outside of their home LEA for five (5) instructional days, the receiving LEA shall request the student's transcripts from the sending LEA.
- (4) The home LEA shall submit the student's educational records to the receiving LEA no later than the student's tenth (10th) instructional day at the Center.
- (5) No later than the student's fifteenth (15th) instructional day in the Center, the receiving LEA shall work with the home LEA to develop an ESP for the student.
- (6) No later than the student's twentieth (20th) instructional day in the Center, the receiving LEA shall ensure that the student begins receiving educational services in accordance with the ESP.
- (7) When a student receiving general educational services is transferred out of the Center, the Center shall notify the Department of the number of instructional days the student was held.
- (8) The Department shall transfer the state and required local BEP funds from the sending LEA to the receiving LEA for the length of instructional days a student was held.
- (9) Upon a student's return to their home LEA, the receiving LEA shall return all educational records back to the home LEA.

0520-01-12-.04 BASIC EDUCATIONAL SERVICES AND TESTING REQUIREMENTS FOR PUBLIC SCHOOL STUDENTS HELD IN A CENTER

- (1) For students being held in a Center outside their home LEA, the receiving LEA shall consult with the Center on how the receiving LEA may best provide basic educational services in, at a minimum, reading and language arts for the student.
- (2) Pursuant to the federal *Every Student Succeeds Act*, each Center shall comply with the following testing requirements:
 - (a) Each student shall complete a nationally norm-referenced pre-test, approved by the Department, no later than the student's fifth (5th) instructional day at the Center.

(Rule 0520-01-12-.04, continued)

- (b) Each student shall complete a benchmark assessment at least every four (4) weeks the student remains incarcerated in the Center.
- (c) The LEA providing educational services for students held in the Center shall be responsible for ensuring the required tests are administered.

0520-01-12-.05 CALCULATION OF FUNDS FOR STUDENTS HELD IN A CENTER OUTSIDE THEIR HOME LEA

- (1) The Department shall calculate the funds to be transferred from the home LEA to the receiving LEA.
- (2) These funds shall be an amount equal to the per pupil state and required local funds received by the home LEA on a prorated daily basis for the length of the student's incarceration and shall be used for the student's education.

0520-01-12-.06 POINTS OF CONTACT

- (1) The Department, the Department of Children's Services, the Receiving LEA, and the home LEA shall each establish a primary point of contact to resolve issues arising under these rules. The receiving LEA's and home LEA's primary point of contact shall be the person currently filling the Attendance Officer position unless the LEA designates another position. Any designation shall be done in writing and sent to the Commissioner for approval.
- (2) The Commissioner or Commissioner's designee shall maintain a list of all the primary points of contact designated in paragraph (1) of this Rule.

0520-01-12-.07 SECURITY

- (1) The Center shall be responsible for providing a secure setting for the education of students. This space shall be adequate in size and conducive to instruction for the number of students required to be educated at the Center.
- (2) The Center shall supply appropriate staff to ensure the safety of students and receiving LEA staff in the Center.
- (3) Any security decision with respect to student or staff safety shall be within the purview of the Center's director or their designee.

0520-01-12-.08 MONITORING AND MEDIATION

- (1) The Department of Children's Services, along with the Department, will regularly monitor the Center to ensure the Center's compliance with the terms of these rules.
- (2) The Department shall monitor the receiving LEA, sending LEA, and the Center in order to ensure that there are appropriate educational services being offered at the Center.

(Rule 0520-01-12-.08, continued)

- (3) The receiving LEA, sending LEA, and the Center shall make any documentation or records available to the Department upon request.
- (4) If a dispute arises under these Rules, the dispute shall be mediated by the Commissioner or Commissioner's designee. The Commissioner's or Commissioner's designee's decision with regard to any mediation shall be considered a final and binding decision.