

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-12
EDUCATION OF INCARCERATED STUDENTS**

0520-01-12-.03 NOTIFICATIONS AND TRANSFER OF RECORDS.

- (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 and provide 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 generating [funding through the state's K-12 education funding formula](#)~~BEP funding~~ pursuant to guidelines developed by the Department.
- (3) Once a student has been held in a Center outside of his or her home LEA for five (5) instructional days, the receiving LEA shall request the student's transcripts from the home LEA.
- (4) The home LEA shall ensure the student's educational records are received by 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 and provide the number of instructional days the student was held.
- (8) The Department shall transfer an amount equal to the per pupil state and local funds [received by the home LEA](#)~~generated and required through the Basic Education Program (BEP)~~ from the home LEA to the receiving LEA for the length of instructional days a student was held.
- (9) Upon a student's return to his or her home LEA, the receiving LEA shall return all educational records back to the home LEA.
- (10) If a student held in a Center is enrolled in a charter school, the authorizing LEA shall be the home LEA. The charter school shall work with the home LEA to ensure all requirements regarding the transfer of records and funding are met.

Authority: T.C.A. § 49-6-3023. **Administrative History:** Original rule filed January 10, 2018; effective April 10, 2018.

0520-01-12-.05 CALCULATION OF FUNDS.

- ~~(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 local funds generated and required through the BEP received by the home LEA on a prorated daily basis for the length of the student's incarceration. These funds shall be used for the student's education.~~
- (1) The Department shall calculate the daily rate of funds to be transferred from the home LEA to the receiving LEA to be used for the student's education. The funds shall be allocated on a prorated daily basis for the length of the student's incarceration. The funds shall be calculated as follows:
 - (a) Per pupil state and local funds generated through the state's K-12 education funding formula and additional local funds received by the LEA in the prior fiscal year divided by the average daily membership (ADM) from the prior fiscal year to equal the per pupil state and local funding;
 - (b) The per pupil state and local funding is then divided by the one hundred eighty (180) days to equal the total daily rate.

Authority: T.C.A. § 49-6-3023. **Administrative History:** Original rule filed January 10, 2018; effective April 10, 2018.