



1801 – Special Education/Individuals with Disabilities (IDEA) Education Act

ADOPTED: February 5, 2021

REVISED:

MONITORING: Annually

Commission authorized charter schools shall provide access to a free appropriate public education to all children with disabilities ages three (3) through twenty-one (21), ~~inclusive~~. The plan for implementation of appropriate instruction and special education services shall be in accordance with the current rules of the Commission¹ and state² and federal³ law. In accordance with the charter agreement, T.C.A. § 49-13-111, and the Commission's policies⁴ and procedures, no charter school shall deny enrollment where there is eligibility or counsel out enrolled students for any reason.

Commission Assurances

The Commission will work with authorized charter schools to ensure they are properly providing special education services for students with disabilities. Specifically, the Commission shall ensure the following:

- (1) All children with disabilities attending authorized charter schools receive a free and appropriate public education and the services to meet their unique needs; and
- (2) The rights of children with disabilities and their parents are protected.
- ~~(3)~~ Appropriate placement and provision of services in [the student's](#) Individualized Education Plans (IEP).
- ~~(4)~~ The Commission will work together with its schools to identify and establish agreements with potential providers, including negotiating with the geographic LEAs, other charter schools, or other external providers on behalf of its schools.
- ~~(3)~~~~(5)~~ Consistent with 34 CFR 300.115, the Commission will ensure the full continuum of placements for students with disabilities in partnership with its charter schools.
- ~~(4)~~~~(6)~~ Funding for appropriate placement and provision of special education services shall be in accordance with T.C.A. § 49-13-112, State Board rule⁵, and the Commission's policies and procedures addressing funding methodology and allocation.

Commission Authorized Charter Schools Assurances

Commission authorized charter schools shall ensure the following objectives are met:

(1) To enroll students without regard to disability status:

- ~~(4)~~(2) To carry out a comprehensive screening and assessment plan emphasizing the early identification and evaluation of students with suspected disabilities;
- ~~(2)~~(3) To use the IEP team for reviewing assessments, formulating programming, and determining placement for every student with a disability, including review of significant changes in placement (including proposed suspensions) when appropriate, in accordance with the State Board rules;
- ~~(3)~~(4) To provide each student with a disability with an IEP specifically designed to meet his/her unique needs;
- ~~(4)~~(5) To provide continuing evaluation of the progress of each student with a disability, including at least an annual review of each IEP and re-evaluation at least every three (3) years;
- ~~(5)~~(6) To ensure that students with disabilities are disciplined in accordance with the requirements of state and federal laws;
- ~~(6)~~(7) To ensure that procedural safeguards required by state and federal laws are adhered to and that parents of students with disabilities are given annual copies of the procedural safeguards in their native language;
- ~~(7)~~(8) To involve parents of students with disabilities in a meaningful dialogue with school personnel which will begin with an initial referral and continue throughout the student's educational career;
- ~~(8)~~(9) To provide the continuum of services, in accordance with the terms of the charter agreement and all applicable federal and state laws and regulations; and
- ~~(9)~~(10) To establish a process to recruit, train, and appoint surrogate parents in the case of students who are wards of the state, unaccompanied homeless youth, or in cases where a parent cannot be located.⁶
- (11) -To determine, through the student's IEP team, the most appropriate placement of a student, where such decision is the least restrictive environment (LRE) for a student.⁷
- (12) Should the IEP team determine that a free, appropriate public education (FAPE) for a student includes the provision of significant services or supports, the IEP shall start with the presumption that the charter school will provide those supports and services on-site.
- (13) In rare instances where an IEP team determines that the charter school is not the appropriate placement for the student, the IEP team, inclusive of the student's parent or guardian, shall determine the appropriate placement for the student. Such decisions are to be made only by the IEP team, should be strictly individualized and based on the

student's needs, and only made after a demonstrated effort to first consider how services and supports could be coordinated at the charter school level.

- a. In these rare instances, the Commission and the charter school will work together to identify options for the student that provide the LRE. The charter school is responsible for providing all required services to a student until an agreed-upon placement is identified and a student begins attending.
- b. Commission staff will serve as a member of the student's IEP Team for purposes of an external placement determination and in any other circumstances deemed necessary by the Commission staff.⁸

IDEA Grievances

Authorized charter schools shall create a complaint policy whereby general complaints may be filed by parents or students regarding students with disabilities under IDEA. Further, complaints may be submitted to the Commission via the Commission's general complaints process outlined in Commission's Grievance and Complaints Policy 1200 and corresponding procedures. IDEA legal or other administrative actions may be filed without filing a complaint or grievance with the Commission or school. Complaints may be directed to the following:

IDEA Administrative and/or Due Process Complaints:

Tennessee Department of Education

Office of General Counsel

9th Floor, Andrew Johnson Tower

710 James Robertson Parkway

Nashville, Tennessee 37243

Telephone: (615) 741-2921

Website: <https://www.tn.gov/education/legal-services/special-education-legal-services.html> | [TDOE Special Education Legal Services](#)

Legal References:

¹ TRR/MS 0520-01-09

² T.C.A. § 49-10-101 *et. seq.*

Cross References:

Grievances and Complaints 1200

Americans with Disabilities Act



³ Individuals with Disabilities Education Act (IDEA)

20 U.S.C. §§ 1400-1482

⁴ LEA Policy 3.100(2)(g)

⁵ TRR/MS 0520-14-01-.03

⁶ Individuals with Disabilities Education Act (IDEA) Part B, Subpart E, § 300.519

⁷ 34 CFR §§ 300.114-300.120

⁸ 34 CFR § 300.321(a)

(ADA) and Section 504 1802

Complaint/Grievance Procedures