

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
SPECIAL EDUCATION/ INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)		1801
ADOPTED: February 5, 2021	REVISED:	MONITORING: Review: 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 to eligible students or counsel out enrolled students for any reason.

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 at its authorized charter schools:

- (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 provision of services in student Individualized Education Plans (IEP).
- (2)(4) 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 shall ensure the following objectives are met:

- (1) To carry out a comprehensive screening and assessment plan emphasizing the early identification and evaluation of students with disabilities;
- (2) To use the ~~Individualized Education Program (IEP)~~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) To ensure that placements are made to educate students with disabilities with non-disabled, age-appropriate peers to the maximum extent appropriate;
- (4) To provide each student with a disability with an IEP specifically designed to meet his/her unique needs;
- (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;

(6) To ensure that students with disabilities are disciplined in accordance with the requirements of state and federal laws;

~~(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;

~~(8)~~(7) _____

—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;

~~(9)~~(8) 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) 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

(10) To determine through the student's IEP team the most appropriate placement of a student, up to and including an external placement, where such decision is the least restrictive environment (LRE) for a student.⁷

a. 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

For purposes of this policy, external placement means a decision by the IEP team to educate the student in a location other than the main campus of the charter school. The charter school, in accordance with the terms of the charter agreement, shall be responsible for any and all costs associated with the external placement of a student.

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>

Legal References:

¹ TRR/MS 0520-01-09

² T.C.A. § 49-10-101 *et. seq.*

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\(a\)](#)

Cross References:

Grievances and Complaints 1200
Americans with Disabilities Act
(ADA) and Section 504 1802
Complaint/Grievance Procedures