

<b>TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION</b>		
<b>SPECIAL EDUCATION/ INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)</b>		<b>1801</b>
<b>ADOPTED:</b> <b>February 5, 2021</b>	<b>REVISED:</b>	<b>MONITORING:</b> <b>Review: Annually</b>

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 Commission <sup>1</sup> and state<sup>2</sup> and federal<sup>3</sup> law.

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.

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) 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) 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; 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.<sup>4</sup>

**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>

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Legal References:

<sup>1</sup> TRR/MS 0520-01-09

<sup>2</sup> T.C.A. § 49-10-101 *et. seq.*

<sup>3</sup> Individuals with Disabilities Education Act (IDEA)  
20 U.S.C. §§ 1400-1482

<sup>4</sup> Individuals with Disabilities Education Act (IDEA) Part B, Subpart E, § 300.519

Cross References:

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