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**Education of Incarcerated Students Chapter 0520-01-12**

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**The Background:**

Students with disabilities are entitled to a free appropriate public education (FAPE) when they are detained in a juvenile detention center. T.C.A. § 49-6-3023 authorizes the Department of Education to develop rules to be adopted by the State Board of Education to ensure that students incarcerated in juvenile detention centers, including students with disabilities, are provided educational services by the local education agency (LEA) serving the county in which the detention center is located.

The Department of Education, the Department of Children’s Services, and other relevant state agencies entered into an Interagency Agreement in 2012 that developed a framework for providing special education and related services to students with disabilities in unique settings, including juvenile detention centers. The Interagency Agreement, however, does not include detailed procedures for how LEAs should serve students with disabilities. The Department has supplemented the Interagency Agreement with guidance and this item codifies the requirements from guidance in Chapter 0520-01-12 to ensure consistent implementation across the state.

The proposed changes to Chapter 0520-01-12 will codify the Department’s guidance by defining the responsibilities of the Home LEA and the Receiving LEA, including when a student with a disability should be enrolled by the Receiving LEA, how the Home LEA and the Receiving LEA should transfer the student’s education records back-and-forth, how the Receiving LEA is expected to serve students with disabilities, and how funding is allocated between the Home LEA and the Receiving LEA.

State Board staff will conduct a rulemaking hearing between first and final reading to collect public feedback.

**The Fiscal Analysis Impact:**

T.C.A. § 49-1-212 requires that the Department prepare a fiscal analysis of any policy, rule, or regulation proposed to the State Board of Education. This item has no new financial impact on an LEA. The proposed changes are intended to supplement responsibilities that have been set forth in the Interagency Agreement for over ten (10) years.

**Connection to the [Master Plan](#):**

This item supports the State Board’s strategic focuses on Literacy and Postsecondary and Career Success by ensuring that students with disabilities receive a free appropriate public education as set forth in the student’s individualized education program.

**The Recommendation:**

The Department of Education recommends acceptance of this item on first reading. The SBE staff concurs with this recommendation.