



# Education of Justice-Involved Youth Training

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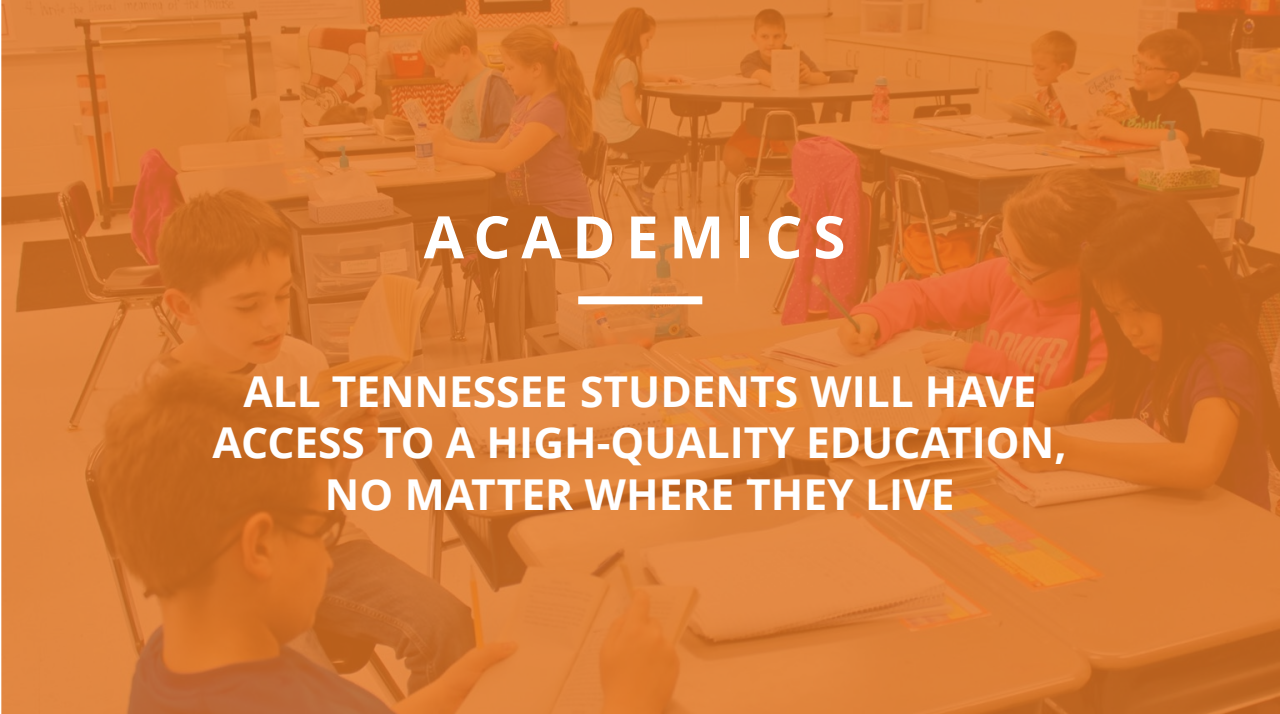






**BEST** FOR  
**ALL**

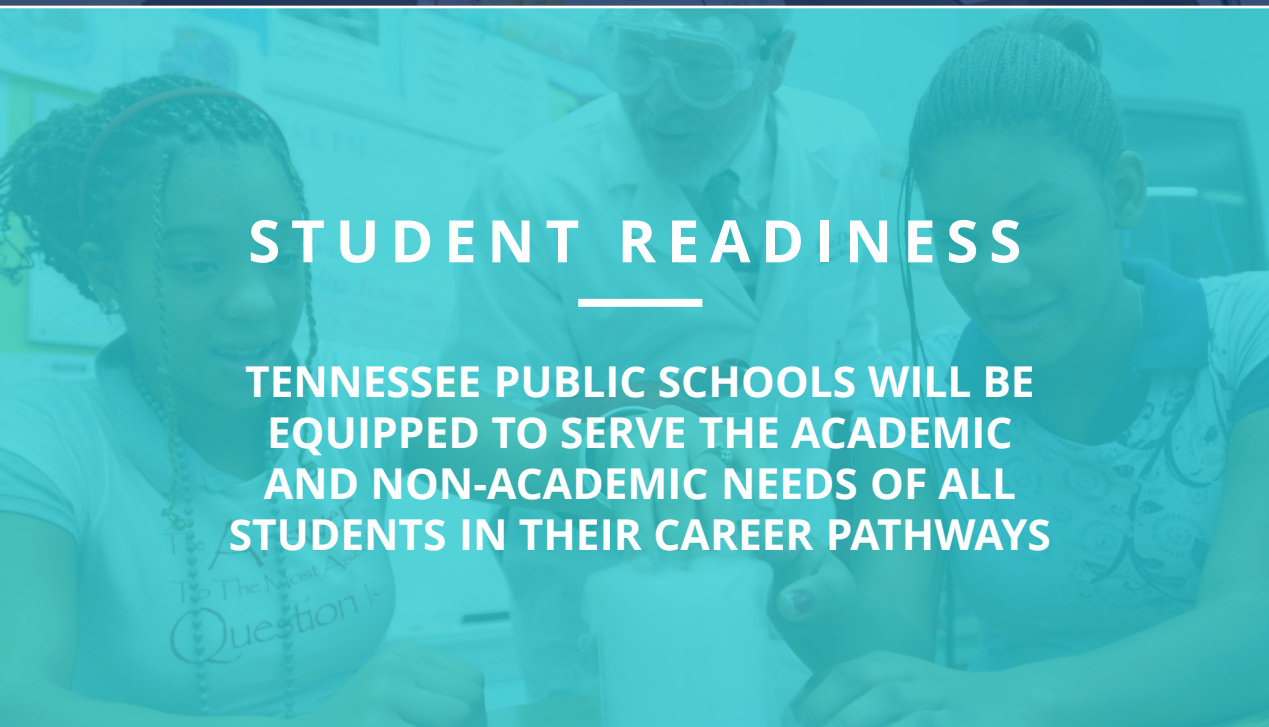
We will set all students on a path to success.



## ACADEMICS

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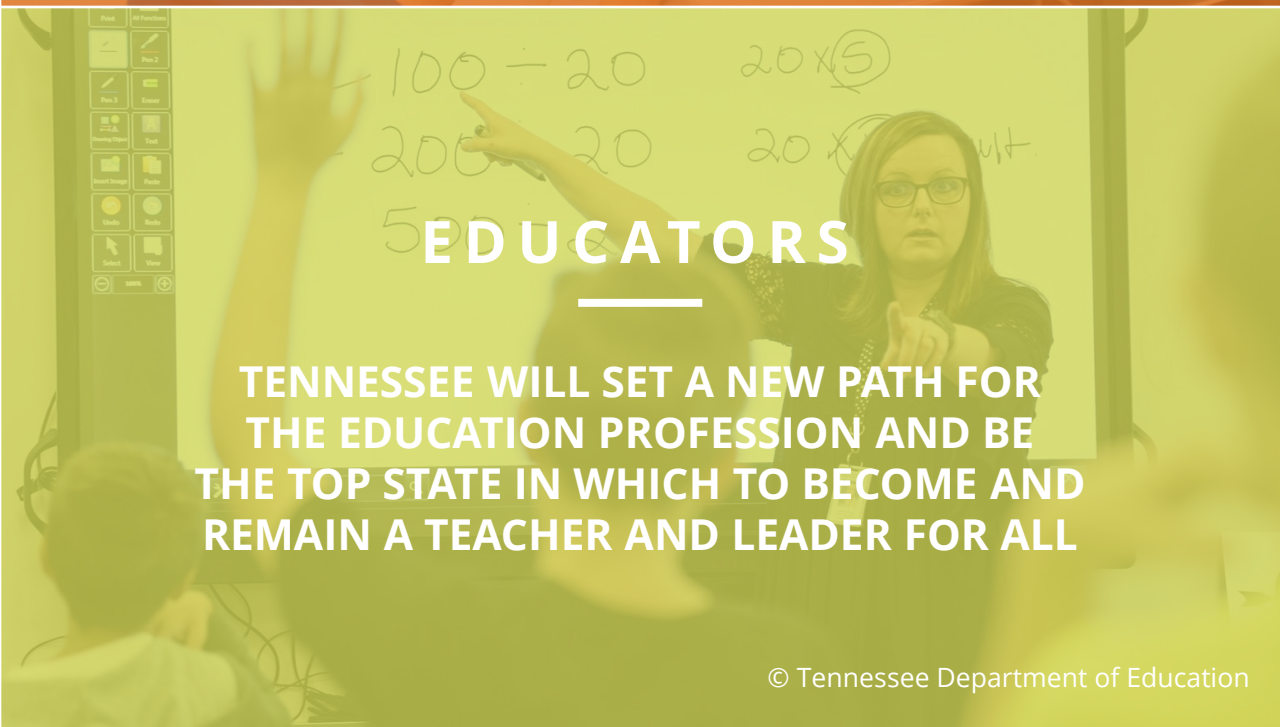
**ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE**



## STUDENT READINESS

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**TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS**



## EDUCATORS

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**TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL**



# Agenda

- Changes to State Board of Education (SBE) Rule 0520-01-12
  - Chapter Title
  - Scope of Rules
  - Definitions
  - Notifications and Transfer of Records
  - Basic Educational Services, Testing Requirements
  - Calculation of Funds
  - Points of Contact
  - Security
  - Monitoring and Mediation
- Break-Out Session
- Break
- Overview of Special Education Requirements in Juvenile Detention Centers
  - Special Education Requirements: Federal
  - Special Education Requirements: State
- Closing





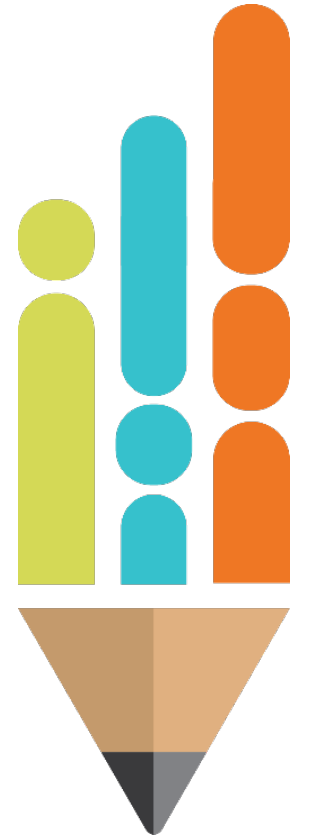
# Changes to SBE Rule 0520-01-12

## Chapter Title

# Changes to SBE Rule 0520-01-12

## Chapter Title

- “Education of Incarcerated Students” will now be titled “Education of Justice-Involved Students”.
  - This new language aligns with the federal language.



# Changes to SBE Rule 0520-01-12-.01

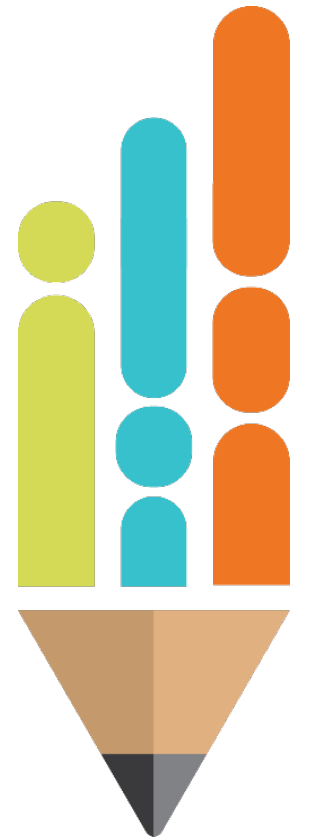
## Scope of Rules

# Changes to SBE Rule 0520-01-12-.01: Scope of Rules

“These rules shall apply to general education students only. Students eligible for services under the Individuals with Disabilities Education Act (IDEA) will continue to be served through the IDEA Amended and Restated Interagency Agreement.”

(This language was removed as the revised rules now include requirements for students with a disability.)

“In the event the Center is located within the geographic boundaries of a Local Education Agency (LEA) that cannot serve the educational needs for the grade level of the students incarcerated, the Center shall be within the jurisdiction of the LEA serving the county in which the Center is located, unless an agreement between LEAs states otherwise.” (Added language)



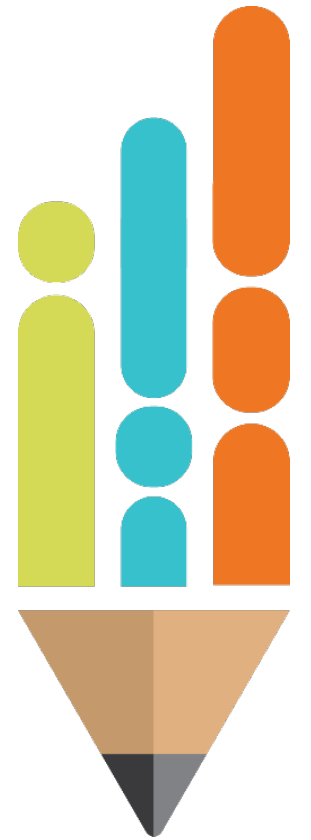
# Changes to SBE Rule 0520-01-12-.02

## Definitions



# Changes to SBE Rule 0520-01-12.02: New Definitions

1. “Center” means a detention center as defined in T.C.A. § 37-5-501 and licensed by the Department of Children’s Services (DCS) under T.C.A. § 37-5-502.
2. “Comparable Services” means special education and related services that are equivalent or similar to those included on the student's last effective individualized education program (IEP) prior to incarceration.
3. “State Board” means the Tennessee State Board of Education.



# Changes to SBE Rule 0520-01-12-.03 Notifications and Transfer of Records

# Changes to SBE Rule 0520-01-12-.03: Notifications and Transfer of Records

Process	Old Rules	New Rules
<p><b>Notification of Student Placement in the Center</b></p>	<p>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.</p>	<p>Once a student has been held in a Center outside of the geographic boundaries of the student’s Home LEA for seventy-two (72) consecutive hours, the Center shall send written notification to the Receiving LEA.</p>
<p><b>Records Request</b></p>	<p>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.</p>	<p>The Receiving LEA shall request the student’s education records from the Home LEA within five (5) business days of receiving the written notification from the Center. The Home LEA shall provide the student’s education records to the Receiving LEA within five (5) business days after receipt of the request from the Receiving LEA, but shall provide, at a minimum, the student’s transcript and any education records indicating a need for <b>specialized support or instruction within two (2) business days</b> of receiving the request from the Receiving LEA.</p>



# Changes to SBE Rule 0520-01-12-.03: Specialized Support or Instruction (Added)

- a) A Section 504 plan;
- b) An IEP as defined in SBE Rule 0520-01-09, including any supporting documents or plans necessary for the student to receive a free appropriate public education (FAPE), such as a behavior intervention plan (BIP) or a safety plan;
- c) An Individualized Learning Plan (ILP) as defined in SBE Rule 0520-01-19; or
- d) An Individualized Learning Plan–Dyslexia (ILP-D) as defined in SBE Rule 0520-01-22.





# Changes to SBE Rule 0520-01-12-.03: Notifications and Transfer of Records

Process	Old Rules	New Rules
<p><b>Development of the Educational Service Plan (ESP).</b></p>	<p>No later than the student’s <b>fifteenth (15th)</b> instructional day in the Center, the receiving LEA shall work with the home LEA to develop an ESP for the student.</p>	<p>No later than the student’s <b>eighth (8th)</b> Instructional Day in the Center, the Receiving LEA shall work with the Home LEA to develop an ESP for the student.</p>
<p><b>Start of Educational Services</b></p>	<p>No later than the student’s <b>twentieth (20th)</b> instructional day in the Center, the receiving LEA shall ensure that the student begins receiving educational services in accordance with the ESP.</p>	<p>No later than the student’s <b>tenth (10th)</b> instructional day in the Center, the receiving LEA shall ensure that the student begins receiving educational services in accordance with the ESP.</p>



# Changes to SBE Rule 0520-01-12-.03: Notifications and Transfer of Records

Process	Old Rules	New Rules
<p><b>Student Exits the Center</b></p>	<p>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.</p>	<p>When a student receiving general education services exits the Center, the Receiving LEA shall notify the Department within <b>five (5)</b> business days and shall provide the number of Instructional Days the student was held in accordance with Department guidance.</p> <p>When a student exits the Center, the Receiving LEA shall forward all education records to the student’s Home LEA within <b>ten (10)</b> business days if the student returns to the Home LEA or to the student’s LEA of next placement if the student enrolls in a new LEA.</p>

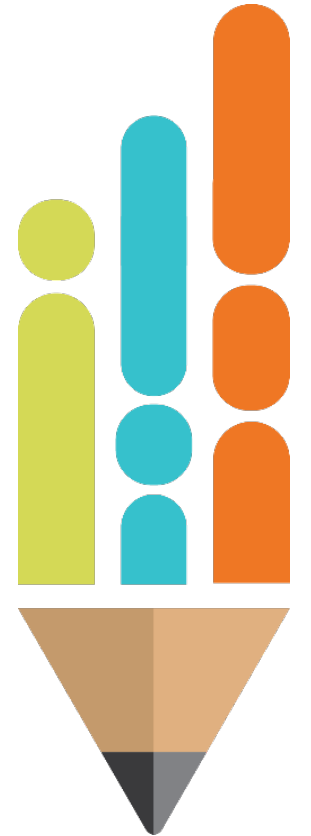


# Changes to SBE Rule 0520-01-12-.03: Notifications and Transfer of Records

Students Receiving Special Education Services: (New Language)

When a student receiving special education services through an IEP is held in a Center outside of the geographic boundaries of the student's Home LEA, the student shall be unenrolled from the Home LEA and fully enrolled in the Receiving LEA no later than the **tenth (10th) Instructional Day** in the Center. The Receiving LEA shall receive the per pupil state and local funds for the student under the state's K-12 education funding formula.

The Receiving LEA shall provide Comparable Services to the student until the Receiving LEA adopts the IEP developed by the Home LEA or develops, adopts, and implements a new IEP. Comparable Services shall be determined based on the individualized needs of the student, not the resources available at the Center.

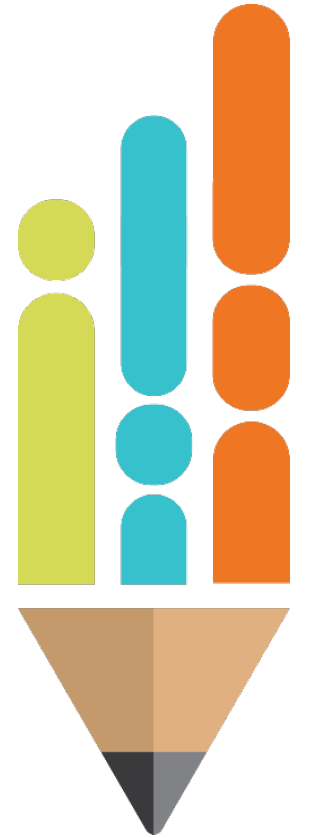


# Changes to SBE Rule 0520-01-12-.03: Notifications and Transfer of Records

Students Receiving Special Education Services: (Continued)

When a student exits the Center, the Receiving LEA shall forward all education records to the student's Home LEA within **ten (10) business days** if the student returns to the Home LEA or to the student's LEA of next placement if the student enrolls in a new LEA.

**The Receiving LEA shall ensure that the Center complies with the requirements of IDEA and state special education law.**





Changes to SBE Rule 0520-01-12-.04  
Basic Educational Services, Testing  
Requirements

# Changes to SBE Rule 0520-01-12-.04: Basic Educational Services, Testing Requirements

Process	Old Rules	New Rules
Minimum Length of School Day	Four (4) hours	Four (4) hours
Teacher Licensure	Instruction shall be provided by a teacher holding a valid Tennessee teacher license as provided in T.C.A. Title 49, Chapter 5.	Instruction shall be provided by a teacher holding a valid Tennessee teacher license as provided in T.C.A. Title 49, Chapter 5.
Educational Services	For students held in a Center outside their home LEA, the receiving LEA shall consult with <b>the Center</b> on how the receiving LEA may best provide basic educational services in, at a minimum, English Language Arts and Mathematics for the student.	For students held in a Center outside their Home LEA, the Receiving LEA shall consult with the <b>Home LEA</b> on how the Receiving LEA may best provide basic educational services in, at a minimum, English Language Arts and Mathematics for the student. <b>The Receiving LEA shall set forth the general education services available to each student in an ESP.</b>



# Changes to SBE Rule 0520-01-12-.04: Basic Educational Services, Testing Requirements

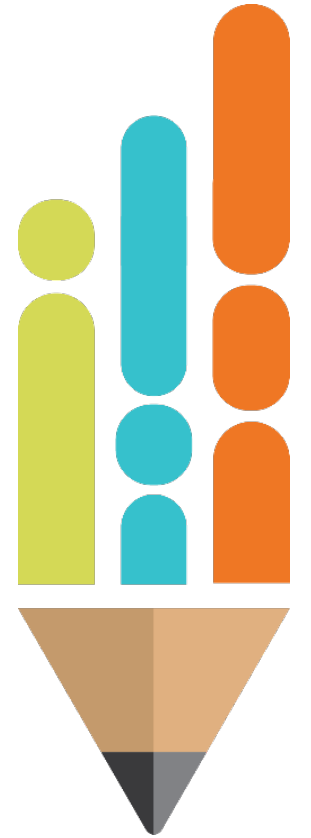
Process	Old Rules	New Rules
<p><b>Testing Requirements</b></p>	<p>Pursuant to the Every Student Succeeds Act (ESSA), each Center shall comply with the following testing requirements:</p> <ul style="list-style-type: none"> <li>a) Each student shall complete a nationally norm-referenced pre-test approved by the department, no later than the student's <b>fifth (5th) instructional day</b> at the Center.</li> <li>b) Each student shall complete a benchmark assessment at least <b>every four (4) weeks</b> the student remains incarcerated in the Center.</li> <li>c) The receiving LEA shall be responsible for ensuring the required tests are administered.</li> </ul>	<p>Pursuant to ESSA, each Receiving LEA shall ensure that Centers comply with the following testing requirements:</p> <ul style="list-style-type: none"> <li>a) Each student shall complete a nationally norm-referenced pre-test approved by the department, no later than the student's <b>fifth (5th) Instructional Day</b> at the Center.</li> <li>b) Each student shall complete a benchmark assessment at least <b>every four (4) weeks</b> the student remains incarcerated in the Center.</li> </ul>



# Changes to SBE Rule 0520-01-12-.04: Basic Educational Services, Testing Requirements

## Added Language

The Receiving LEA shall be responsible for ensuring that students receive all services, supports, and accommodations required by federal and state law, including, but not limited to, services, supports, and accommodations required under Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964.





# Changes to SBE Rule 0520-01-12-.05

## Calculation of Funds

# Changes to SBE Rule 0520-01-12-.05: Calculation of Funds

Process	Old Rules	New Rules
<p><b>General Education Students</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(b) The per pupil state and local funding is then divided by the one hundred eighty (180) days to equal the total daily rate.</li> </ul>	<p><b>For general education students</b>, 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:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) The per pupil state and local funding is then divided by the one hundred eighty (180) days to equal the total daily rate.</li> </ul>



# Changes to SBE Rule 0520-01-12-.05: Calculation of Funds

Process	Old Rules	New Rules
<b>Special Education Students</b>	Special education students were not included in the old rules.	For students receiving special education services, the Receiving LEA shall receive per pupil state and local funds generated through the state's K-12 education funding formula.



# Changes to SBE Rule 0520-01-12-.06

## Points of Contact

# Changes to SBE Rule 0520-01-12-.06: Points of Contact

Process	Old Rules	New Rules
<p><b>Point of Contact for Resolving Issues</b></p>	<p>The Department, the Department of Children’s Services, the receiving LEA, and the home LEA shall each establish a primary point of contact to resolve issues arising under these rules. The receiving LEA’s and home LEA’s primary point of contact shall be the person currently filling the Attendance Officer position unless the LEA designates another position. Any designation shall be done in writing and sent to the <b>Commissioner</b> for approval.</p>	<p>The Department, the Tennessee Department of Children’s Services, the Receiving LEA, and the Home LEA shall each establish a primary point of contact to resolve issues arising under these Rules. The Receiving LEA’s and Home LEA’s primary point of contact shall be the person currently filling the Attendance Officer position unless the LEA designates another position. Any designation shall be done in writing and sent to <b>the Department</b> for approval.</p>
<p><b>Point of Contact List</b></p>	<p>The <b>Commissioner or Commissioner’s designee</b> shall maintain a list of all the primary points of contact designated in paragraph (1) of this Rule.</p>	<p><b>The Department</b> shall maintain a list of all the primary points of contact designated in paragraph (1) of this Rule.</p>



# Changes to SBE Rule 0520-01-12-.07 Security



# Changes to SBE Rule 0520-01-12-.07: Security

Process	Old Rules	New Rules
Security	<ul style="list-style-type: none"> <li>(1) The Center shall be responsible for providing a secure setting for the education of students. <b>This space shall be adequate in size and conducive to instruction</b> for the number of students required to be educated at the Center.</li> <li>(2) The Center shall supply appropriate staff to ensure the safety of students and receiving LEA staff in the Center.</li> <li>(3) Any security decision with respect to student or staff safety shall be within the purview of the Center’s director or their designee</li> </ul>	<ul style="list-style-type: none"> <li>(1) The Center shall be responsible for providing a secure setting for the education of students. <b>This space shall be adequate in size and conducive to instruction</b> for the number of students required to be educated at the Center.</li> <li>(2) The Center shall supply appropriate staff to ensure the safety of students and Receiving LEA staff in the Center. <b>The Center shall also ensure students are able to access educational services provided by the Receiving LEA.</b></li> <li>(3) Any security decision with respect to student or staff safety shall be within the purview of the Center’s director or their designee. <b>A Center’s lack of staff or other necessary resources shall not absolve the Receiving LEA of its responsibility to provide appropriate educational services to incarcerated students.</b></li> </ul>



# Changes to SBE Rule 0520-01-12-.07

## Security

Process	Old Rules	New Rules
Security		If the Department receives notice that the Center is not providing a secure setting or access to educational services as set forth in paragraphs (1) through (3) of this Rule, the Department shall provide notice to the Commissioner of the Department of Children’s Services.



# Changes to SBE Rule 0520-01-12-.08 Monitoring and Mediation

# Changes to SBE Rule 0520-01-12-.08

## Monitoring and Mediation

Process	Old Rules	New Rules
<b>Monitoring</b>	<p>(1) The Department of Children’s Services, along with the Department, will regularly monitor the Center to ensure the Center’s compliance with the terms of these rules.</p> <p>(2) The Department shall monitor the receiving LEA, home LEA, and the Center in order to ensure that there are appropriate educational services being offered at the Center.</p> <p>(3) The receiving LEA, home LEA, and the Center shall make any documentation or records available to the Department upon request.</p>	<p>(1) The Department shall annually monitor each Center to ensure the Receiving LEA’s compliance with this Chapter.</p> <p>(2) The Department shall monitor the Receiving LEA, Home LEA, and the Center in order to ensure that there are appropriate educational services being offered at the Center</p>
<b>Mediation</b>	<p>If a dispute arises under these <b>Rules</b>, the dispute shall be mediated by the Commissioner or Commissioner’s designee. The Commissioner’s or Commissioner’s designee’s decision with regard to any mediation shall be considered a final and binding decision.</p>	<p>If a dispute arises under this <b>Chapter</b>, the dispute shall be mediated by the Commissioner or Commissioner’s designee. The Commissioner’s or Commissioner’s designee’s decision with regard to any mediation shall be considered a final and binding decision</p>

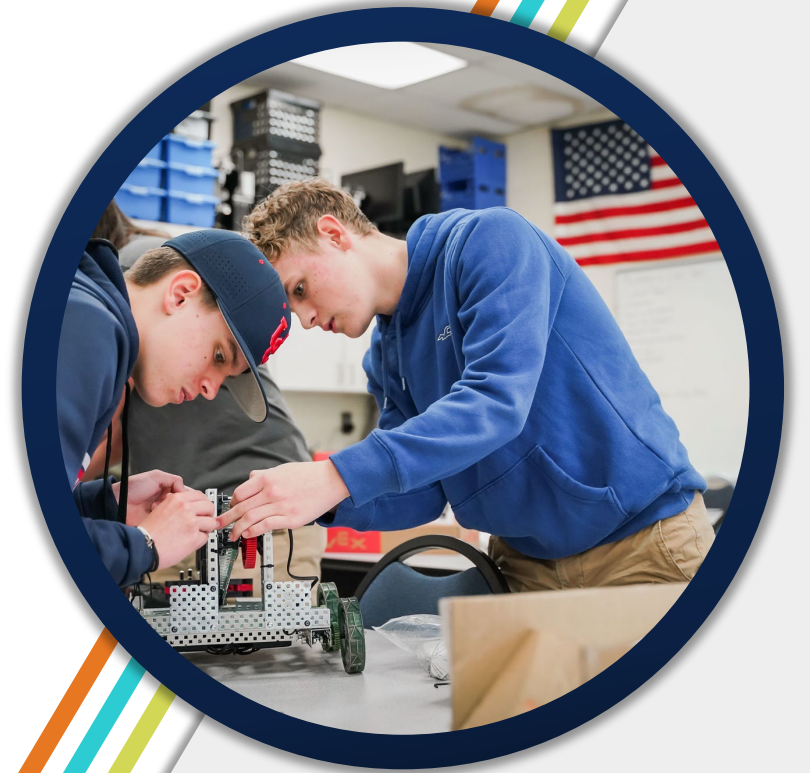


# Break-Out Session



# Break-Out Session Agenda

1. Introduction- Name, Role, and LEA
2. Provide details about the Center in your LEA  
–Size, Contracts, LEA staff, and Agency affiliation.
3. What struggles or barriers does the LEA have to educate students placed in the Center?
4. What have been some successes the LEA has had when serving the students placed in the Center?





**Break-10 minutes**



# Overview of Special Education Requirements in Juvenile Detention Centers



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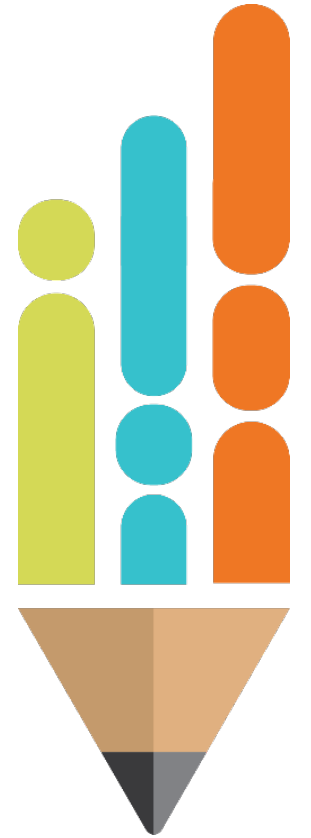
“Ensuring that students in correctional facilities are receiving a high-quality education will have a clear, positive effect in reducing recidivism and increasing post-release success in higher education, employment, and other life endeavors.”

See U.S. Dep't. of Educ., [Dear Colleague Letter](#) (Dec. 5, 2014).

# Special Education in JDCs

- Absent a specific exception, **all protections listed in the Individuals with Disabilities Education Act (IDEA) and state special education law apply** to students with disabilities in JDCs, including:
  - Child find
  - Comparable services for transfer students
  - Individualized Education Program (IEP) development, revision, and implementation
  - FAPE
  - Least restrictive environment (LRE)
  - Disciplinary protections
  - Teacher qualifications

See U.S. Dep't of Educ., [Dear Colleague Letter](#) (Dec. 5, 2014)



# Special Education Requirements: Federal



# Child Find

- LEAs have an **affirmative, ongoing obligation to identify, locate, and evaluate** all students with disabilities residing within the jurisdiction who are in need of special education and related services. See 34 C.F.R. § 300.111(a)(1).
- Students suspected of having a disability must be evaluated in a timely manner, **even if the student will not be in the facility long enough to complete the evaluation.** See U.S. Dep't of Educ., [\*Dear Colleague Letter\*](#) (Dec. 5, 2014).
- The Home LEA and Receiving LEA **may need to collaborate** to ensure that evaluations and reevaluations are conducted in a comprehensive and timely manner.





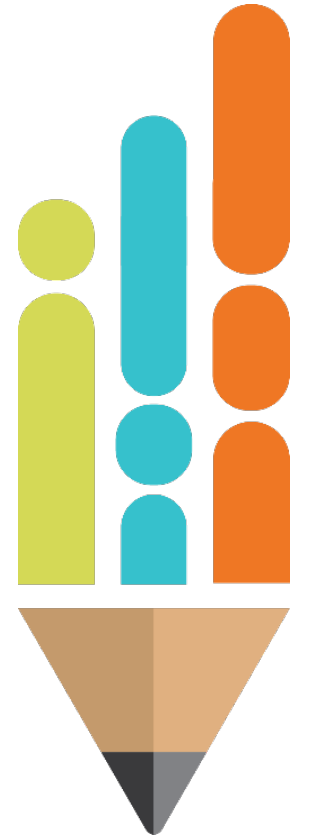
# Comparable Services

- If a student with an IEP moves to a new LEA in the same state within the same school year, the new LEA **must provide comparable services to those the student received in the old LEA** until the new LEA adopts the existing IEP or develops a new IEP. *See 34 C.F.R. § 300.323(e).*
- Comparable services do not need to be identical, but they **must be similar.**
- LEAs cannot avoid the obligation to provide comparable services by agreeing to a temporarily “reduced” IEP. *See Tenn. Dep’t of Educ., Williamson Cnty. Schs. (Oct. 20, 2010).*
- If you cannot provide comparable services, **document** the services missed and **plan** for how you will provide **compensatory education and services.**



# IEP Development and Revision

- **IEPs must be developed in accordance with the IDEA regulations and state special education law.** All IEP content requirements apply to students with disabilities in JDCs, including statements on:
  - The student’s present levels of academic achievement and functional performance.
  - The measurable annual academic and functional goals.
  - The special the special education, related services, and supplementary aids and services that will be provided to the student to enable the student to advance appropriately toward attaining IEP goals and to be involved in and make progress in the general education curriculum.
- The services included in the student’s IEP **must not be solely based on the services available at the JDC.**
- Again, if you cannot provide appropriate services, **document** the services missed and **plan** for how you will provide **compensatory education and services.**





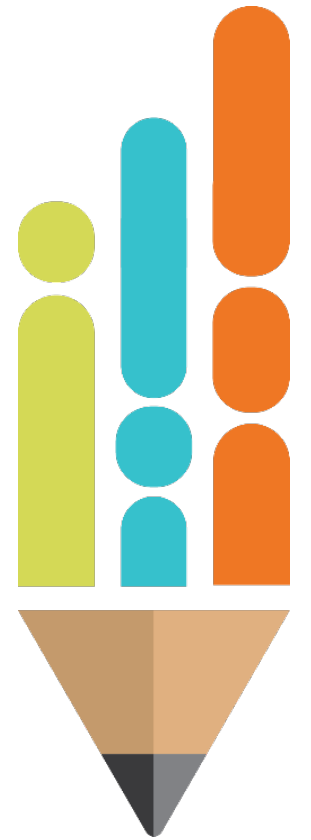
# FAPE and IEP Implementation

- Students with disabilities are still entitled to an educational program that “is reasonably calculated to enable [the] child to make **progress appropriate in light of the child’s circumstances.**” *Endrew F. v. Douglas Cnty. Sch. Dist. Re-1*, 137 S. Ct. 988 (2017).
- An **appropriate education** for a student with a disability **should generally be the same** regardless of whether the student is in a public school or a JDC.



# Least Restrictive Environment

- LEAs must ensure that students with disabilities are educated with students who are nondisabled to the maximum extent appropriate. *See* 34 C.F.R. § 300.114(a)(2).
- **“The IDEA requirements related to LRE apply to the education of students with disabilities in correctional facilities.** IEP teams or placement teams must make individualized placement decisions and may not routinely place all students with disabilities in correctional facilities in classes that include only students with disabilities, even if this means creating placement options or using other arrangements, to the maximum extent appropriate to the student’s needs.” *See* U.S. Dep’t of Educ., [\*Dear Colleague Letter\*](#) (Dec. 5, 2014).



# Disciplinary Protections

- LEAs must conduct a **manifestation determination review (MDR)** within 10 school days of “any decision to change the placement of a child with a disability because of a violation of a code of student conduct.” 34 C.F.R. § 300.530(e).
- A change of placement occurs when (1) the removal is for more than 10 consecutive school days, or (2) the student has been subjected to a series of removals that constitute a pattern because the removals total more than 10 school days in a school year and because the behavior is substantially similar in previous incidents. *See* 34 C.F.R. § 300.536.
- Students with disabilities **are still entitled to the disciplinary protections** available under IDEA, including the right to a manifestation determination review.



# Disciplinary Protections

- If the behavior is NOT a manifestation of the student's disability, then the student may be disciplined, but **must be given the opportunity to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP**, albeit in a different setting. *See* 34 C.F.R. § 300.530(d)(1).
- For example, the student may be provided educational services in the student's cell or in a "lockdown" unit.
- When the student engages in behavior that results in a "change of educational placement," the student's IEP team should also **consider the need to conduct a functional behavior assessment (FBA) and implement a behavior intervention plan (BIP)**. *See* SBE Rule 0520-01-09-.24.





# Qualifications for Special Education Teachers and Service Providers

- FAPE includes “ensuring that special education teachers and related services providers are **appropriately and adequately prepared and trained.**”
- Teachers providing special education **must have obtained State certification** as a special education teacher.
- Related services providers **must meet the State-approved licensing and registration requirements** that apply to their professional discipline.
- Paraprofessionals and assistants may be used to assist in the provision of special education and related services **if they are appropriately trained and supervised** and work **under the supervision of** a certified teacher.
- Special education teachers and related services personnel **may not have certification or licensure requirements waived** on an emergency, temporary, or provisional basis.

U.S. Dep’t. of Educ, [Memorandum to State Directors of Special Education](#) (Oct. 4, 2022)

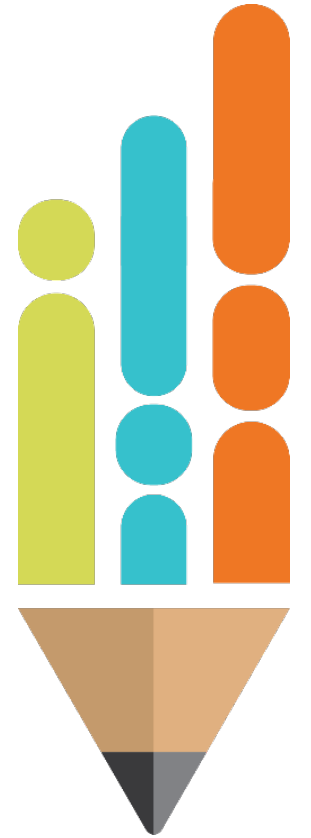




# Parental Rights

Until the student turns 18-years-old, parents of a student with a disability maintain all rights identified under IDEA, including the right to:

- Participate in and provide input during IEP meetings.
- Provide consent prior to evaluations and the initial provision of special education services.
- Receive invitations and prior written notices.
- Seek one of the special education dispute resolution options.



# Special Education Requirements: State

# Rules of the State Board of Education

- [Chapter 0520-01-09 of the SBE Rules](#), “Special Education Programs and Services”
- Absent a specific exception, **all requirements listed in the state special education law apply** to students with disabilities in JDCs.
- The following review of SBE Rules and timelines contains highlights and is not exhaustive to all state requirements.





# SBE Rule 0520-01-09-.15(4)

When must an LEA send a **parent prior written notice (PWN)**?

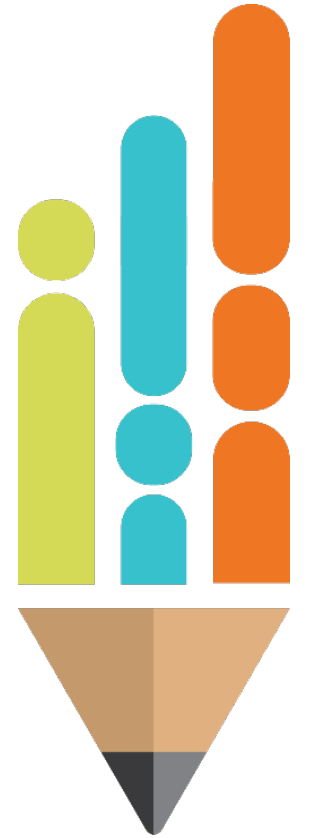
JDC staff from the LEA must send a parent PWN **at least 10 school days** before the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education (FAPE).



# SBE Rule 0520-01-09-.15(1)

How much notice must an LEA provide to a student's parent prior to holding the IEP meeting?

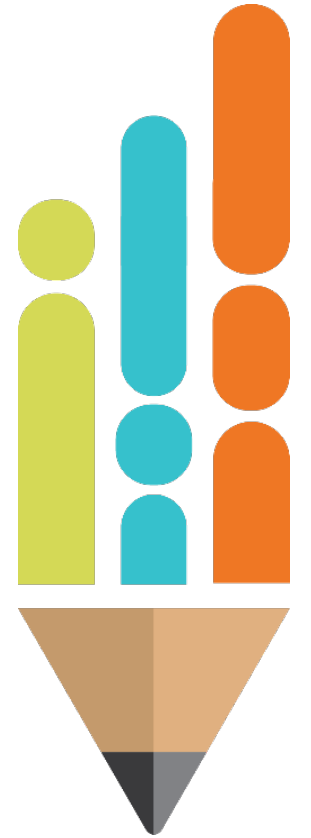
JDC staff from the LEA must notify the student's parent **at least 10 calendar days** before an IEP meeting to ensure that the parent has an opportunity to attend, unless the parent agrees to attend earlier.



# SBE Rule 0520-01-09-.15(3)

How much notice must an LEA provide to a student's parent prior to holding a manifestation determination review (MDR)?

The JDC staff from the LEA must notify the student's parent **at least 24 hours prior** to an MDR meeting.





# SBE Rule 0520-01-09-.15(2)

When must an LEA provide a copy of a **draft IEP** to a parent?

If an LEA creates a draft IEP prior to an IEP meeting, the JDC staff from the LEA must provide a copy of the draft IEP to a parent **at least 48 hours** prior to the scheduled meeting time.

- If a draft IEP is provided it shall become the property of the parent. The JDC staff from the LEA shall not have the final IEP completed before an IEP meeting and the staff shall make it clear to the Parent at the outset of the meeting that the services proposed are preliminary recommendations for review and discussion with the Parent.





# Closing



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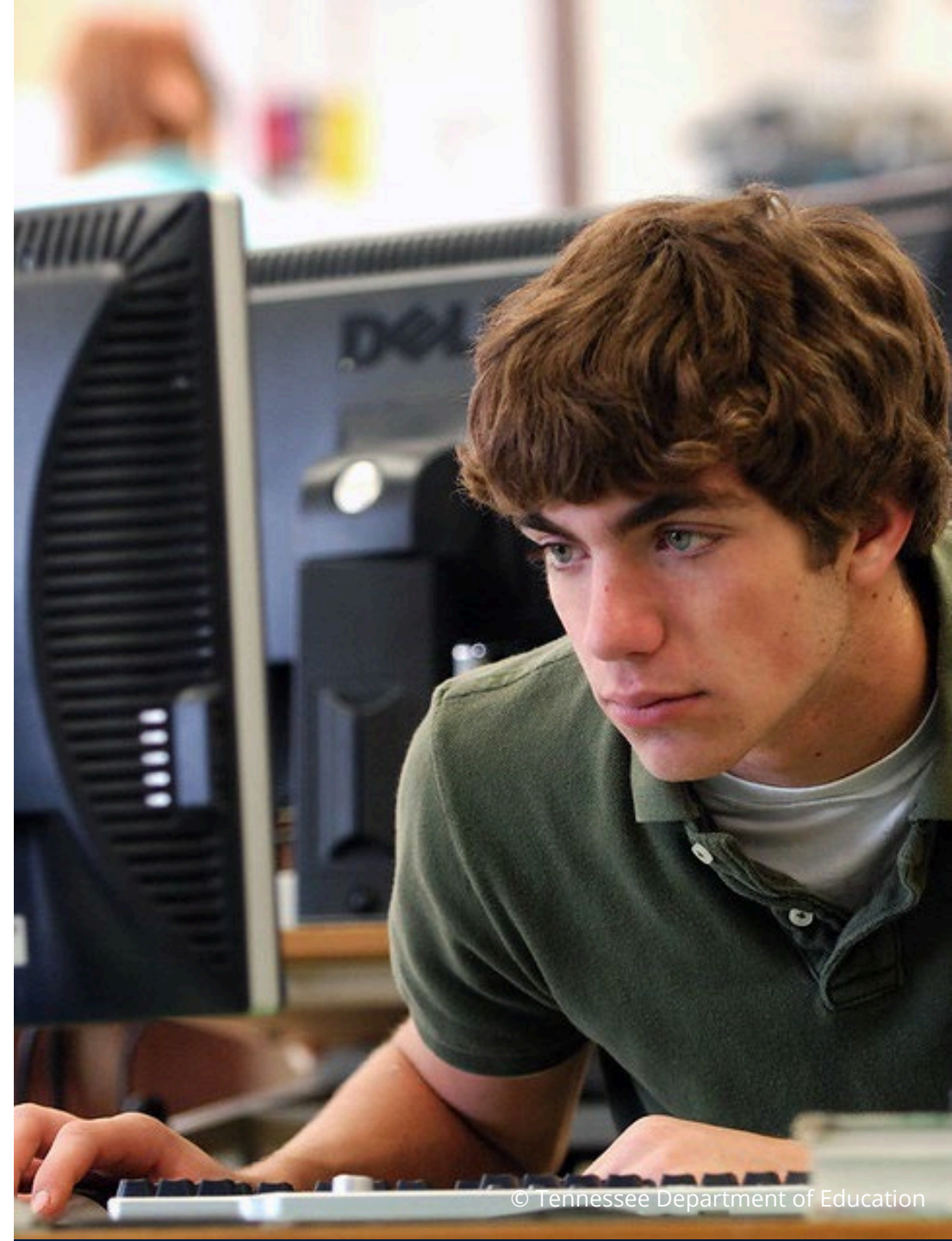
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# Questions?





# Thank You!

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