

## Preview Page (2024 Consolidated > Assurances - IDEA Assurances)

The applicant hereby certifies to the Commissioner of Education that the representation made in this application properly reflects the projected pupils, personnel, and expenditures to be incurred in the operation of the special education program for pupils with disabilities conducted within the LEA, that the expenditures for services and goods will be made exclusively for the benefit of pupils which meet the eligibility criteria established by the U.S. Department of Education, and that personnel assignments and other documentation of expenses will be readily available for audit. All records necessary to ensure the correctness of the information provided by the agency will be kept five years beyond the final reporting date and access to such records will be provided to the SEA.

<b>* The local education agency (LEA) hereby assures the state education agency (SEA) that the LEA meets each of the following conditions:</b>	
1.	Special Education and Related Services will be provided in compliance with established Federal and State Laws, Rules, Regulations, & Minimum Standards.
2.	The LEA, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 20 U.S.C. § 1412, including the following:
a.	The LEA shall ensure a free appropriate public education (FAPE) is available to all children with disabilities, as defined under 20 U.S.C. § 1401(3) and State Board of Education Rule 0520-01-09-.02(3), who have a current individualized education program (IEP), residing in the state between the ages of 3 through 21, inclusive, including children with disabilities who have been suspended or expelled from school. See 20 U.S.C. § 1412(a)(1) and State Board of Education Rule 0520-01-09-.05(2).
b.	The LEA shall establish a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. See 20 U.S.C. § 1412(a)(2).
c.	The LEA shall ensure all children with disabilities residing in the LEA, including those who are experiencing homelessness, in foster care, or attending private schools within the LEA's jurisdiction, regardless of the severity of their disabilities, and in need of special education and related services, are identified, located, and evaluated, and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. See 20 U.S.C. § 1412(a)(3) and State Board of Education Rule 0520-01-09-.05(1).
d.	The LEA shall ensure an individualized education program (IEP), or an individualized family service plan (IFSP) that meets the requirements of 20 U.S.C. § 1436(d), is developed, reviewed and revised for each child with a disability in accordance with section 614(d). See 20 U.S.C. § 1412(a)(4).
e.	The LEA shall ensure, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. See 20 U.S.C. § 1412(a)(5) and T.C.A. § 49-10-103(c).
f.	The LEA shall ensure children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. § 1415. See 20 U.S.C. § 1412(a)(6) and T.C.A. § 49-10-601.
g.	The LEA shall ensure children with disabilities are evaluated in accordance with subsections (a) through (c) of 20 U.S.C. § 1414 and the State Board of Education Special Education & Eligibility Standards. See 20 U.S.C. § 1412(a)(7) and State Board of Education Rule 0520-01-09-.11.
h.	The LEA shall comply with 20 U.S.C. § 1417(c) relating to the confidentiality of records and information. See 20 U.S.C. § 1412(a)(8).
i.	The LEA shall ensure children participating in early intervention programs assisted under Part C of the IDEA and who will participate in preschool programs will experience a smooth and effective transition consistent with 20 U.S.C. § 1437(a)(9). LEAs will participate in transition planning conferences arranged by the Tennessee Department of Intellectual and Developmental Disabilities (the State Lead Agency) under 20 U.S.C. § 1435(a)(10) and an IEP or, if consistent with 20

	U.S.C. §§ 1414(d)(2)(B) and 1436(d), and IFSP will be developed and implemented by the third birthday. 20 U.S.C. § 1412(a)(9).
j.	The LEA shall ensure that all requirements under 20 U.S.C. § 1412(a)(10) regarding children in private schools are being carried out in a manner consistent with the statute.
k.	The LEA shall ensure that all requirements under T.C.A. § 49-10-107, regarding Contracts for Special Education Services, are being carried out in a manner consistent with the statute.
i.	The LEA shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, subject to the requirements of 20 U.S.C. § 1412(a)(14) and 20 U.S.C. § 6612(b). See 20 U.S.C. § 1413(a)(3).
m.	The LEA has chosen to either coordinate with the National Instructional Materials Access Center when purchasing print instructional materials or to provide instructional materials to blind persons or other persons with print disabilities in a timely manner. See 20 U.S.C. § 1412(a)(23).
n.	The LEA shall ensure that timely and meaningful consultation has occurred with private schools and the parents of home-schooled special education students. See 20 U.S.C. § 1412(a)(10)(A)(iii).
3.	The LEA shall provide the SEA with information necessary to enable the SEA to carry out its duties under the IDEA, including, with respect to Sections 612(a) (15) and 612 (a) (16), information relating to the performance of children with disabilities participating in programs carried out under this part. See 20 U.S.C. § 1413(a)(7).
4.	The LEA shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the LEA to receive assistance under the IDEA. See 20 U.S.C. § 1413(a)(8)
5.	The LEA shall cooperate under 20 U.S.C. § 6698 to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational information regarding such children. See 20 U.S.C. § 1413(a)(9).
6.	Subject to 20 U.S.C. § 1413(b)(3), the LEA application submitted to the SEA shall remain in effect until the LEA submits to the SEA such modifications as the LEA determines necessary. See 20 U.S.C. § 1413(b)(2).
7.	The LEA shall ensure that all requirements under 20 U.S.C. § 1413(a)(5) regarding treatment of charter schools and their students are being carried out in a manner consistent with the IDEA. See 20 U.S.C. § 1413(a)(5).
8.	The LEA shall ensure children with disabilities served with IDEA funds are counted in the same manner as children without disabilities to supplement the academic program funds earned and paid from State funding.
9.	The LEA shall ensure funds provided under IDEA are used to pay the excess cost of providing special education and related services to children with disabilities; shall be used to supplement the State, Local and other Federal funds and not to supplant such funds; and shall not be used, except as provided in 20 U.S.C. § 1413(a)(2)(B) and (C) to reduce the level of expenditures. See 20 U.S.C. § 1413(a)(2)(A) and State Board of Education Rule 0520-01-09-.09(2)(b).
10.	The LEA shall ensure that case load and class size standards are in accordance with T.C.A. § 49-1-104 and State Board of Education Rule 0520-01-02-.31(4).
11.	The LEA shall ensure that IDEA funds will not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year except as provided in 34 C.F.R. 300.204 and 300.205. See 34 C.F.R. § 300.203(b)
12.	Eligibility as a child with a disability pursuant to the IDEA and state disability eligibility standards will be established prior to expenditure of IDEA Part B funds for implementation of school nurse or school health services pursuant to 34 C.F.R. §300.34(c)(13).