

## Preview Page (2023 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.

* The local education agency (LEA) hereby assures the state education agency (SEA) that the LEA meets each of the following conditions:	
1.	Special Education and Related Services will be provided in compliance with established Federal and State 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 §612.
a.	A free appropriate public education (FAPE) is available to all children with disabilities, as defined under §602(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. 612(a) (1)
b.	The LEA has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. 612(a) (2)
c.	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. 612(a) (3)
d.	An individualized education program (IEP), or an individualized family service plan (IFSP), that meets the requirements of section 636(d), is developed, reviewed and revised for each child with a disability in accordance with section 614(d). 612(a) (4)
e.	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. 612(a) (5) (A)
f.	Children with disabilities and their parents are afforded the procedural safeguards required by §615. 612(a) (6)
g.	Children with disabilities are evaluated in accordance with subsections (a) through (c) of § 614. 612(a) (7)
h.	LEAs will comply with §617(c) relating to the confidentiality of records and information. 612(a) (8)
i.	Children participating in early intervention programs assisted under Part C and who will participate in preschool programs will experience a smooth and effective transition consistent with §637(a) (9). LEAs will participate in transition planning conferences arranged by the Lead Agency under §635(a) (10) and an IEP or, if consistent with sections 614(d) (2) (B) and 636(d), and IFSP will be developed and implemented by the third birthday. 612(a) (9)
j.	Ensure that all requirements under §612(a) (10) regarding children in private schools are being carried out in a manner consistent with the statute.

	k.	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.
	l.	The LEA shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, subject to the requirements of Sec. 9214 (d)(2) of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act.
	m.	This LEA will either choose to coordinate with the National Instructional Materials Access Center when purchasing print instructional materials in accordance with section 612(a)(23) or will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. 613(a)(6)
	n.	The LEA ensures that timely and meaningful consultation has occurred with private schools and the parents of home-schooled special education students.
3.		The LEA shall provide the SEA with information necessary to enable the SEA to carry out its duties under this part, 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. 613(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 such agency under this part. 613(a)
5.		The LEA shall cooperate under section 1308 of the Elementary and Secondary Education Act of 1965 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.
6.		Subject to section 613(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. 613(b) (2)
7.		Ensure that all requirements under §613(a) (5) regarding treatment of Charter Schools and their students are being carried out in a manner consistent with the statute.
8.		Children with disabilities served with IDEA funds shall be counted in the same manner as children without disabilities to supplement the academic program funds earned and paid from the Basic Education Program.
9.		Funds provided under IDEA will be 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 §613(a) (2) (B)-(C) to reduce the level of expenditures. §613(a) (2) (A) and 0520-01-09-.09(2)(f)
10.		Sec. 300.502 (a) (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section. (2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section. (3) For the purposes of this subpart- (i) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and (ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.103.
11.		As noted in TCA 49-1-104 (a) & (b) Maximum class size, LEA case load and class size standards have been submitted and approved by the SEA. There have been no changes since the original submission. (The State will review LEA caseload and class size standards for compliance.) Any future LEA updates or revisions will be submitted to the Special Populations division at the SEA for approval and for reference purposes.
12.		Children with disabilities served with IDEA funds have at least the same average amount spent on them, from sources other than Part B, as do the children in the school system taken as a whole. 0520-01-09-.09(2)(c)
13.		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).

14.	Children with healthcare needs or medical conditions of a short duration, temporary nature, or medical conditions that require infrequent school nurse or school health services, and whose educational performance is not adversely affected by such healthcare needs or medical conditions, will not be certified as eligible pursuant to IDEA and state disability eligibility standards for the purpose of accessing IDEA Part B funds to provide school nurse or school health services for such children.
15.	Prior to including school nurse or school health services in an Individualized Education Program (IEP), an IEP Team will determine that the child needs school nurse or school health services to benefit from his or her education and thereby receive FAPE. In making this determination, the IEP Team will consider the child's educational progress.
16.	School nurse or school health services will not be included as related services in instances where an IDEA eligible child's healthcare needs or medical condition do not affect his or her educational performance or the receipt of FAPE.
17.	The LEA has spent the minimum amount of State and local funds for the education of children with disabilities in elementary and secondary schools prior to using IDEA Part B funds.