

IDEA, Part B

	FY25 Award		FY26 Award	Over(Under)
Supervisor / Director - 105	114,000.00	Supervisor / Director - 105	118,932.06	4,932.06
Clerical Personnel - 162	305,000.00	Teachers - 116	190,000.00	(115,000.00)
Other Salaries Wages - 189	106,000.00	Psychological Personnel - 124	180,000.00	74,000.00
Social Security - 201	60,000.00	Clerical Personnel - 162	270,000.00	210,000.00
Pensions - 204	77,000.00	Speech Pathologist - 171	191,172.15	114,172.15
Life Insurance - 206	800.00	Other Salaries Wages - 189	188,211.61	187,411.61
Medical Insurance - 207	156,000.00	Social Security - 201	56,408.52	(99,591.48)
Dental Insurance - 208	3,100.00	State Retirement - 204	76,988.99	73,888.99
Employer Medicare - 212	15,000.00	Life Insurance - 206	929.76	(14,070.24)
In-Service / Staff Development - 524	15,000.00	Medical Insurance - 207	191,704.00	176,704.00
Teachers - 116	175,000.00	Dental Insurance - 208	3,412.40	(171,587.60)
Psychological Personnel - 124	206,611.39	Employer Medicare - 212	12,506.83	(194,104.56)
Contracts with Private Agencies - 312	465,000.00	Contracts with Private Agencies - 312	1,000.00	(464,000.00)
Contracts with Parents - 313	4,000.00	Contracts with Parents - 313	4,000.00	-
Contracts with Vehicle Owners - 315	1,500,000.00	Contracts with Vehicle Owners - 315	1,500,000.00	-
Instructional Supplies Materials - 429	50,000.00	Instructional Supplies Materials - 429	5,000.00	(45,000.00)
Special Education Equipment - 725	20,000.00	In-Service / Staff Development - 524	6,000.00	(14,000.00)
Speech Pathologist - 171	168,941.00	Special Education Equipment - 725	20,000.00	(148,941.00)
Total	3,441,452.39	Total	3,016,266.32	(425,186.07)



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TENNESSEE FAMILIES: MULTIPLE PROMOTION PATHWAYS AVAILABLE FOR 3RD GRADE STUDENTS

The Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers with disabilities (ages birth–2) and their families receive early intervention services under IDEA, Part C. Children and youth (ages 3–21) receive special education and related services under IDEA, Part B.

In addition to meeting the legal requirements of IDEA, the commitment made by districts and schools to provide a high-quality education in an inclusive setting to all students with disabilities is crucial to their success.

IDEA Key Terms:

✓ Free Appropriate Public Education (FAPE)

The IDEA (reauthorized in 2004) ensures a free appropriate public education (FAPE) is provided to children and youth with disabilities at public expense.

- This includes an appropriate preschool, elementary school, or secondary school education.
- This is provided in conformity with the individualized education program (IEP).
- Students must be permitted to register at their school of zone.
- Transfer students must be provided with comparable services while eligibility and the IEP is reviewed.
- Textbooks must be provided to all students.
- Special events, field trips, computers, and library materials must be covered and provided to all students.

Tennessee Department of Education

Quick Guide to Parent Rights and Responsibilities in Special Education

Parents of children who receive or may be eligible for special education services have rights under both the TN Rule **0520-01-09** and **The Individuals with Disabilities Act (IDEA 2014)**. An important part of these laws provides parents with the right to participate in their children's education. This document will give an overview of laws affecting the provision of special education to assist you in understanding your rights and responsibilities in the special education process. The school district must give you a full copy of the **Notice of Procedural Safeguards**. It is a more detailed explanation of your rights. With this knowledge, you can prepare to take an active role in your child's education.

EVALUATION



You have the right to ask your school to evaluate your child to see if your child has a disability and needs special education services. Your school district has up to 60 calendar days to initially evaluate and up to an additional 30 calendar days to develop an **Individualized Education Program (IEP)** if your child is determined to be eligible for services. The timeline starts when the school district receives signed parental consent. Your child must be assessed using tests and procedures that are sensitive to your child's disability or cultural background. For example, a test in English should not be conducted for the child whose primary language is Spanish.

CONSENT



Your **consent** (written permission) is required for the school district to evaluate your child for the first time, unless a special education hearing officer has ordered an evaluation. Even if the evaluation team decides that your child is eligible for special education services, you do not have to accept the services for your child. For your child's first IEP, no services can be provided until you give written consent for your child to receive special education services.

If you accept services, **you can revoke your consent** to services at any time. You must submit this request in writing to your child's school. A revocation would forfeit *all of your child's* special education services, related services, and any other supports included in your child's IEP. If you decline or revoke consent for services, you can request services at a later time. Depending on the time that has passed, the school district may need to re-evaluate your child.

Tennessee Department of Education

Quick Guide to Parent Rights and Responsibilities in Special Education

DECISION MAKING



You have the right to **participate in developing an IEP for your child**. You are an important part of the team that makes decisions about your child's education. You have the right to share information and express your opinion at any team meeting or anytime you feel it would help your child's education. The team decides the kind and amount of services your child needs and where the services will be provided. The team must include your child's teachers and school administrators, parents, and other individuals as needed.

If you have ideas or concerns about your child's program, you should first talk to your child's teachers or other people who work with your child. Talking with members of the team early on can often prevent problems later. Open, mutual communication between you and the other members of your child's team is encouraged in order to provide an appropriate program for your child.

SERVICES



One important part of IDEA requires public schools to provide a **free, appropriate public education (FAPE)**. **Free** means that special education services are provided at no cost to the parents. **Appropriate** means that your child's program must provide the *right kind of services* based on your child's needs, and *enough services* for your child to receive educational benefit. This benefit comes through access to and progress in the general education curriculum used for all children. Your child has a right to make progress toward their individual goals through access to the same activities, classrooms, and settings as children who do not have disabilities.

LOCATION



Your child should receive their education in the **least restrictive environment (LRE)**. This means that children with disabilities, including preschoolers, will be educated in a regular education environment along with their nondisabled peers to the extent appropriate. The school they would attend if they didn't have a disability should be considered first. Children are only removed from being educated with typical peers if it is determined, based on data, that they cannot be appropriately served in the regular education environment, even with the use of supports and services. A regular early childhood education classroom must include at least 50 percent of children who do not have disabilities.

Tennessee Department of Education

Quick Guide to Parent Rights and Responsibilities in Special Education

NOTICE



You have a right to know about why the school district is either proposing or refusing specific actions, supports, or services. This explanation is called **Prior Written Notice (PWN)**. This notice must be given to you, in a language you understand, in a reasonable amount of time before the school district takes action or refuses to take action about:

- whether your child is eligible for services,
- the type of disability your child has,
- what services your child will receive, and/or
- where your child will receive services.

Once an IEP is developed or revised and any PWN with proposed changes is received, the IEP should be implemented as soon as possible. If needed, you have up to 14 calendar days to review and consider the information on the IEP. The IEP will go into effect on the 15th calendar day unless you notify the team that you disagree and take steps to resolve any concerns.

COPIES AND PRIVACY



The school district must give you a copy of the full **Notice of Procedural Safeguards** when your child is referred for evaluation and at least once each school year that your child is receiving special education services. Parents can also obtain a copy from their child's school at any time or from the Tennessee Department of Education.

You have a right to see all of **your child's records**. The school must give you a free copy of the evaluation report and a free copy of your child's IEP. Release of personally identifiable information without parental consent is only permitted in certain circumstances.

Parents are encouraged to contact any of these organizations for assistance in understanding and navigating the special education system.

Tennessee Disability Pathfinder	800.640.4636 (Multilingual)	www.familypathfinder.org tnpathfinder@vanderbilt.edu
Disability Rights Tennessee	800.342.1660	www.disabilityrightstn.org GetHelp@disabilityrightstn.org
Support and Training for Exceptional Parents (STEP)	800.280.7837 (English) 800.975.2919 (Spanish)	www.tnstep.org information@tnstep.org
Tennessee Voices for Children	800.670.9882	www.tnvoices.org info@tnvoices.org
The Arc of Tennessee	800.835.7077	www.thearctn.org info@thearctn.org

Tennessee's **Notice of Procedural Safeguards** provides a more detailed explanation of these rights and supersedes this document.

A PDF of the full document may be accessed at this link: bit.ly/TDOENPS

Public Chapter 589/T.C.A. § 49-3-370

Overview:

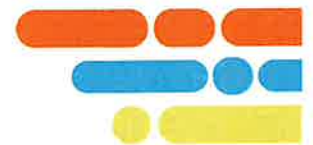
- T.C.A. § 49-3-370 governs when and how state and local funding is allocated to licensed residential mental health facilities when Tennessee students are admitted
 - PC 589 amended Tennessee Code Annotated (T.C.A.), Section 49-3-370
- PC 589 directs the State Board of Education to promulgate rules to establish procedures for approving educational programs or instructional services provided by out-of-state residential mental health facilities and for the allocation of funds



Timeline:

- Passed by the Tennessee General Assembly on May 5, 2021
- Signed into law by Governor Bill Lee on May 27, 2021

Public Chapter 589/T.C.A. 49-3-370



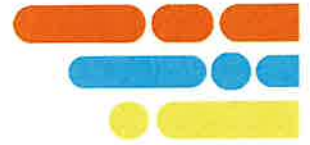
(a) A local education agency (LEA) shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to a state-licensed residential mental health facility on a prorated daily basis for the student's length of stay if:

(1) The residential mental health facility operates as a Category I special purpose school-minimum of sixteen and one-half (16 ½) hours per week of educational instructional services to the students, unless the student's individualized education program (IEP) provides otherwise;

(2) The student admitted was enrolled in and attended a public school in TN for the one (1) full school year immediately preceding the student's admission to the facility and is enrolled in a public school in TN at the time of admission to the facility; and

(3) The student is admitted under a signed, written order of a qualified physician licensed to practice medicine in this state, the order being based upon medical necessity.

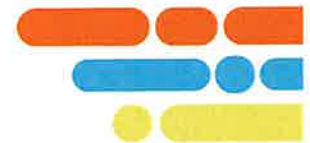
Public Chapter 589/T.C.A. 49-3-370



(b) An LEA shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to an **out-of-state** residential mental health facility on a prorated daily basis for the student's length of stay if:

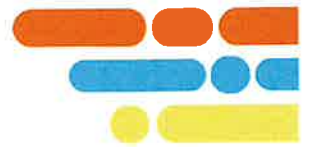
- (1) There are **no facilities in this state with the capacity to deliver the appropriate mental health treatment** to the student at the time the student is admitted to the out-of-state facility;
- (2) The **facility operates in a state that borders this state**;
- (3) The facility **serves at least fifteen (15) Tennessee students per school year**;
- (4) The department of education determines, prior to the medical placement decision, that the **residential mental health facility's educational programs or instructional services meet the same requirements as a Category I special purpose school**.

Public Chapter 589/T.C.A. 49-3-370



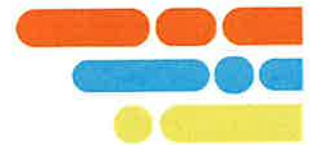
- (5) The facility provides a **minimum of sixteen and one-half (16 ½) hours per week of educational instructional services to admitted students, unless the student's IEP provides otherwise**;
- (6) The residential mental health facility complies with all applicable health and safety laws, regulations, and codes of the state and locality in which it is located;
- (7) **All teachers at the residential mental health facility are licensed by the educator licensing authority of the state** in which the facility is located;
- (8) The residential mental health facility has at least one (1) teacher with an endorsement in special education or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to provide special education and related services to admitted students;
- (9) The facility has a **sufficient number of teachers with an endorsement in special education** or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to comply with each student's IEP;

Public Chapter 589/T.C.A. 49-3-370



- (10) The facility reports the **attendance** of each admitted student to the **public school** in which the student is **enrolled**;
- (11) The facility follows the **admitted student's IEP** as written at the time of the medical placement decision, and as subsequently amended by the student's IEP team during the student's stay at the facility;
- (12) The student admitted to the facility **was enrolled in and attended a public school TN for the one (1) full school year** immediately preceding the student's admission to the facility, is enrolled in a public school in TN at the time of admission to the facility, and has an **active IEP** from an LEA in TN at the time of the medical placement decision; and
- (13) The student is admitted to the facility under a **signed, written order of a qualified physician** licensed to practice medicine, the order being based upon both medical necessity and the most appropriate medical services for the child.

Public Chapter 589/T.C.A. 49-3-370



- (c) If an LEA allocates funds to an out-of-state facility pursuant to this section, then the **LEA and the department of education are authorized to monitor** the out-of-state facility for compliance with this section, an individual student's IEP, and all other applicable state and federal laws.
- (d) If the out-of-state facility **fails to comply** with the requirements of subsection (b), then **the LEA shall cease the allocation of funding** as provided in this section.
- (e) The state board of education shall **promulgate rules** to establish procedures for approving educational programs or instructional services provided by out-of-state residential mental health facilities and for the allocation of funds to out-of-state residential mental health facilities for purposes of this section.
- (f) The funding specified in subsections (a) and (b) is in addition to funds allocated pursuant to federal law and regulation, including, but not limited to, Title I and ESEA funds.
- (g) This part **must not be used or construed to circumvent the requirements of the Individuals with Disabilities Education Act** (20 U.S.C. § 1400 et seq.).

2024 Tennessee Code

Title 49 - EDUCATION (§§ 49-1-101 — 49-50-1703)

Chapter 3 - FINANCES (§§ 49-3-101 — 49-3-2003)

Part 3 - TENNESSEE EDUCATION FINANCE ACT OF 1977 (§§ 49-3-301 — 49-3-370)

Section 49-3-370 - Funding of educational services to children in residential mental health facilities

Universal Citation:

TN Code § 49-3-370 (2024)

[https://law.justia.com/codes/tennessee/title-49/chapter-3/part-3/section-49-3-370/#:~:text=\(3\)%20The%20student%20is%20admitted,%5BDeleted%20by%202024%20amendment.%5D](https://law.justia.com/codes/tennessee/title-49/chapter-3/part-3/section-49-3-370/#:~:text=(3)%20The%20student%20is%20admitted,%5BDeleted%20by%202024%20amendment.%5D)

- **(a)** An LEA shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to a state-licensed residential mental health facility on a prorated daily basis for the student's length of stay if:
 - **(1)** The residential mental health facility operates as a Category I special purpose school pursuant to the state board of education's rules and provides a minimum of sixteen and one-half (16 1/2) hours per week of educational instructional services to the students, unless the student's IEP provides otherwise;
 - **(2)** The student admitted to the residential mental health facility is enrolled in a public school in this state at the time of admission to the facility, and the student's parents or legal guardians are residents of this state; and
 - **(3)** The student is admitted to the residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine in this state, the order being based upon medical necessity. An LEA may require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility.
- **(b)** An LEA shall allocate funding in an amount equal to the per pupil state and local funds received by the LEA to an out-of-state residential mental health facility on a prorated daily basis for the student's length of stay if:
 - **(1)** There are no facilities in this state with the capacity to deliver the appropriate mental health treatment to the student at the time the student is admitted to the out-of-state residential mental health facility;
 - **(2)** The residential mental health facility operates in a state that borders this state;
 - **(3)** [Deleted by 2024 amendment.]
 - **(4)** The department of education determines, prior to the medical placement decision, that the residential mental health facility's educational programs or instructional services meet the same requirements as a Category I special purpose school, as applicable, pursuant to the state board of education's rules;

- **(5)** The residential mental health facility provides a minimum of sixteen and one-half (16 1/2) hours per week of educational instructional services to admitted students, unless the student's IEP provides otherwise;
 - **(6)** The residential mental health facility complies with all applicable health and safety laws, regulations, and codes of the state and locality in which it is located;
 - **(7)** All teachers at the residential mental health facility are licensed by the educator licensing authority of the state in which the facility is located;
 - **(8)** The residential mental health facility has at least one (1) teacher with an endorsement in special education or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to provide special education and related services to admitted students;
 - **(9)** The residential mental health facility has a sufficient number of teachers with an endorsement in special education or a certification that the department of education determines to be equivalent to an endorsement in special education in this state, to comply with each student's IEP;
 - **(10)** The residential mental health facility reports the attendance of each admitted student to the public school in which the student is enrolled;
 - **(11)** The residential mental health facility follows the admitted student's IEP as written at the time of the medical placement decision, and as subsequently amended by the student's IEP team during the student's stay at the facility;
 - **(12)** The student admitted to the residential mental health facility was enrolled in and attended a public school in this state immediately preceding the student's admission to the facility, and the student's parents or legal guardians are residents of this state at the time of the student's admission to the facility; and
 - **(13)** The student is admitted to the residential mental health facility under a signed, written order of a qualified physician licensed to practice medicine, the order being based upon both medical necessity and the most appropriate medical services for the child. An LEA may require a physician attestation form including the patient's name, the dates of admission, and the signature of the physician to be submitted to the LEA prior to disbursement of funds to the facility.
- **(c)** If an LEA allocates funds to an out-of-state residential mental health facility pursuant to this section, then the LEA and the department of education are authorized to monitor the out-of-state residential mental health facility for compliance with this section, an individual student's IEP, and all other applicable state and federal laws.
 - **(d)** If the out-of-state residential mental health facility fails to comply with the requirements of subsection (b), then the LEA shall cease the allocation of funding as provided in this section.

- **(e)** The state board of education shall promulgate rules to establish procedures for approving educational programs or instructional services provided by out-of-state residential mental health facilities and for the allocation of funds to out-of-state residential mental health facilities for purposes of this section. The rules must be promulgated according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.
- **(f)** The funding specified in subsections (a) and (b) is in addition to funds allocated pursuant to federal law and regulation, including, but not limited to, Title I and ESEA funds.
- **(g)** This part must not be used or construed to circumvent the requirements of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

Amended by 2024 Tenn. Acts, ch. 884, s 2, eff. 7/1/2024.

Amended by 2024 Tenn. Acts, ch. 884, s 1, eff. 7/1/2024.

Amended by 2021 Tenn. Acts, ch. 589, s 1, eff. 5/27/2021.

Acts 2011 , ch. 426, § 1; 2012, ch. 1099, §§ 1 - 4.