

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-15
COURT-ORDERED DAY TREATMENT FACILITIES**

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0520-01-15-.01 SCOPE OF RULES.

The purpose of these rules is to effectuate the funding of educational services to students in court-ordered day treatment facilities, as required by T.C.A. § Title 49, Chapter 3, Part 3.

Authority: T.C.A. § 49-3-308. **Administrative History:** Original rules filed July 31, 2019; effective October 29, 2019.

0520-01-15-.02 DEFINITIONS.

- (1) "Facility" or "Court-Ordered Day Treatment Facility" means a facility as defined in T.C.A. § 49-3-308(a).
- (2) "LEA" means a Local Education Agency.
- (3) "Student" means a child enrolled in a Tennessee public school, grades kindergarten through grade 12 (K-12) admitted to the facility as described in T.C.A. § 49-3-308(b).
- (4) "Department" means Tennessee Department of Education.

Authority: T.C.A. § 49-3-308. **Administrative History:** Original rules filed July 31, 2019; effective October 29, 2019.

0520-01-15-.03 ALLOCATION OF FUNDS.

- (1) An LEA shall allocate funding to a facility for the student's length of stay; provided, that:
 - (a) The student admitted to the facility was enrolled in an LEA in the academic year immediately preceding admission to the facility and is enrolled at the time of admittance;
 - (b) The student is admitted to the facility under a signed, written order of a qualified juvenile judge or magistrate of a juvenile court in this state, such order being based upon the juvenile judge or magistrate of a juvenile court's assessment that admittance is in the best interest of the student and the community; and
 - (c) The student is not in the custody of the Department of Children's Services.
- (2) An LEA may require a juvenile court order including the student's name, the dates of admission, and the signature of the juvenile judge or the magistrate of the juvenile court to be submitted to the LEA prior to disbursement of funds to the facility.

Authority: T.C.A. § 49-3-308. **Administrative History:** Original rules filed July 31, 2019; effective October 29, 2019.

0520-01-15-.04 BASIC EDUCATIONAL SERVICES.

- (1) Facilities shall consult with a student's LEA on how the facility may best provide basic educational services in, at a minimum, English Language Arts and Mathematics for the student.
- (2) The student's LEA may provide special education instruction and services to the student directly or through an agreement with the facility. With both options, IDEA requires both general and special education teachers to be "teachers of the child." At the facility, those positions may be filled by qualified general and special education teachers; however, an LEA representative must continue to fulfill his or her responsibilities on the student's Individualized Education Program (IEP) team.

Authority: T.C.A. § 49-3-308. **Administrative History:** Original rules filed July 31, 2019; effective October 29, 2019.

0520-01-15-.05 CALCULATION OF FUNDS

- (1) The LEA shall allocate funding to the facility in an amount equal to the per pupil state and local BEP funds received by the LEA on a prorated daily basis for the student's length of stay, provided that the student meets the requirements of this Rule.
- (2) The daily rates shall be calculated by the Department each school year.
- (3) The Department shall calculate the daily rate of funds to be transferred from the LEA to the facility as follows:
 - (a) Applicable state and 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;
 - (b) The per pupil state and local funding is then divided by the 180 day school year to equal the total daily rate.
- (4) The facility shall be eligible to receive funds based on the LEA's school calendar and only for days in which the student is served during the regular school year.
- (5) The funding specified in this chapter shall be in addition to funds allocated pursuant to federal law and regulation, including, but not limited to, Title I and ESEA funds.

Authority: T.C.A. § 49-3-308. **Administrative History:** Original rules filed July 31, 2019; effective October 29, 2019.