



FREE APPROPRIATE PUBLIC EDUCATION (FAPE) PROCEDURE (SPE-P020)

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 This procedure describes the process used for providing a free appropriate public education for eligible students within the jurisdiction of CMCSS.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

2.0 RESPONSIBILITY:

- 2.1 Director of Special Populations

3.0 APPROVAL AUTHORITY:

- 3.1 Chief Academic Officer

4.0 DEFINITIONS:

- 4.1 “Free Appropriate Public Education” or “FAPE” means special education and related services that- (34 C.F.R. § 300.17)
 - 4.1.1 are provided at public expense, under public supervision and direction, and without charge;
 - 4.1.2 meet the standards of the state education agency, including the requirement of this part;
 - 4.1.3 include appropriate preschool, elementary or secondary school education in the state involved; and
 - 4.1.4 are provided in conformity with an IEP that meets the requirements of 34 C.F.R. §§ 300.320 through 300.324.
- 4.2 “Individualized Education Program” or “IEP” means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with C.F.R. §§ 300.320 through 300.324.
- 4.3 “Least Restrictive Environment” or “LRE” means that each public agency must ensure that- (34 C.F.R. § 300.114)
 - 4.3.1 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 nondisabled; and
 - 4.3.2 Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature of severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 4.4 Related Service means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and included speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including



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therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse service, social work services in schools, and parent counseling and training. (34 C.F.R. § 300.34)

5.0 PROCEDURE:

- 5.1 FAPE shall be made available to all children with disabilities, including those children who reach twenty-two (22) years of age during the school year and children who have been suspended or expelled from school for more than ten (10) school days in a school year.
- 5.2 To meet the obligations of FAPE, CMCSS shall provide services that address all of a child's identified special education and related service needs, based on the child's unique needs and not on the child's disability.
- 5.3 Charter schools shall ensure students with disabilities receive education services required by their IEP. CMCSS shall be responsible for ensuring that children with disabilities attending a charter school authorized by CMCSS are provided a FAPE.
- 5.4 The Tennessee academic standards adopted by the State Board of Education shall serve as the basis for developing special education programs. CMCSS and its authorized Charter School shall provide a variety of services, intervention, and programs to meet the educational needs of all students, including the needs of children with disabilities.
- 5.5 CMCSS and its authorized Charter Schools shall provide children with disabilities with special transportation as required by the student's individualized education program (IEP).
 - 5.5.1 Children with disabilities shall, whenever appropriate, be provided transportation along with children who do not have disabilities. Adaptations shall be made to meet the needs of children with disabilities rather than separate transportation whenever appropriate.
 - 5.5.2 Travel time for children with disabilities shall not exceed the travel time for other children, provided that exceptions may be made by the IEP team.
 - 5.5.3 Vehicles used to provide special transportation shall meet the requirements established by the State Board's Pupil Transportation Rule 0520-01-05.
 - 5.5.4 Operators and attendants of vehicles who provide special transportation shall be given special training regarding the needs and special requirements of children with disabilities, except when Parents are transporting children with disabilities. Special attendants shall be provided when an IEP team determines that such services are necessary.
 - 5.5.5 CMCSS may contract for special transportation provided that the operators, attendants, and vehicles used by a contractor meet the requirements established



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by the State Board of Education, except when Parents are transporting children with disabilities.

5.6 Children with disabilities who are convicted as adults under the state law and incarcerated in adult prisons shall be entitled to their rights under the IDEA with the following exceptions:

5.6.1 The following requirements do not apply:

5.6.1.1 Participation of children with disabilities in general statewide assessments; and

5.6.1.2 Transition planning and transition services with respect to the student's whole eligibility under the IDEA Part B will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

5.6.2 The IEP team may modify the child's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements of 34 C.F.R. § 300.320 relating to the definition of an IEP and the general requirements of 34 C.F.R. § 300.114 relating to least restrictive environment do not apply with respect to these modifications.

6.0 ASSOCIATED DOCUMENTS:

6.1 Child Find & FAPE Administrative Policy [SPE-A004](#)

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Student Record	Paper in Student Special Education File Electronic on State Platform	Through the student's 26th birthday	Shred	Locked office and/or locked cabinet

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
6/27/24		Initial Release

End of Procedure