

## **Services for Agency Placed Students**

Agency placed students are those who are placed by the Department of Human Services (DHS) or Department of Behavioral Health and Developmental Disabilities (DBHDD) in agency operated or contracted facilities and students placed by the Department of Juvenile Justice (DJJ) in any DJJ contracted facilities. These students are eligible for education services in the district in which the facility is located. A child is considered to be in the physical or legal custody of DHS, DBHDD, or DJJ or any of its divisions if custody has been awarded either temporarily or permanently by court order or by voluntary agreement and the child has been admitted or placed according to an individualized treatment or service plan of DHS or DBHDD.

Students with disabilities who are placed in a facility that contracts with or operates under the Department of Human Services (DHS), the Department of Behavioral Health and Developmental Disabilities (DBHDD), or Department of Juvenile Justice (DJJ) are eligible for education services in the district in which the facility is located. This does not include students in a DJJ Youth Development Center or in a Department of Corrections (DOC) facility, regardless of their custody status.

If a child is placed by one of these agencies in a facility located in TCSS, the placing agency must notify TCSS in writing at least 5 calendar days prior the child entering the facility. The system's begins once the student is present in the facility. Records will be requested no later than 10 days after the system is notified of the student's placement. Although parent consent is not required for the transfer of records, parents of the student should be notified and, upon request, provided copies. Upon receipt of records, the district must provide a free appropriate public education (FAPE), including services comparable to those outlined in the IEP records received. Within 5 days of receipt of records, a meeting will be conducted to adopt the received IEP or to develop a new IEP. If the student is in the custody of DHS or DBHDD, a surrogate parent must be appointed to represent the child in the educational decision making process. (See Surrogate Parent section for more information.) For other students, the district will document attempts to notify and invite the parent/guardian to attend the IEP meeting. In the event the parent/guardian does not attend the meeting, the district will forward a copy of the IEP to the parent/guardian.

If the IEP committee determines that the least restrictive environment (LRE) for a student is the DHS or DBHDD operated/contracted facility or DJJ contracted facility, the district will continue to be responsible for the education program for that student.