

IDEA WRITTEN ADMINISTRATIVE COMPLAINT NUMBER 15-07

Name of the school system:

Lewis County School System (LCSS)

Description of the violation:

LCSS's failure to provide gross and/or fine motor assessments conducted by physical and/or occupational therapists as specified in the "Explanation of Evaluation Procedures" which accompanies the "Notice and Consent for Initial Assessment amounted to a procedural violation of federal and state special education laws.

LCSS's failure to provide occupational and/or physical therapy to students due to lack of employment of a physical and/or occupational therapist was a procedural and substantive violation of federal and state special education laws, which amounted to a denial of the students' entitlement to a free appropriate public education (FAPE).

Description of the law or regulation determined to have been violated:

34 C.F.R. §300.115	Continuum of alternative placements
34 C.F.R. §300.116	Placements
34 C.F.R. §300.156	Personnel qualifications
34 C.F.R. §300.304 (a)	Evaluation procedures

Corrective measures ordered by the department:

LCSS must schedule and arrange training regarding the aforementioned regulations, as mandated by the IDEA, to the appropriate staff within thirty (30) days of receipt of the findings letter.

LCSS must submit documentation that occupational and physical therapy services have been secured and will include evaluations, therapy, training, and supervision to meet the needs of individual students.

LCSS must conduct reassessments of the students receiving services in the fine motor classes as well as students previously receiving physical therapy services. Provide a summary report of the recommendations made by the therapists to TDOE, and if necessary, conduct IEP team meetings to make changes to services by December 15, 2015.

LCSS must submit a letter of assurance that a continuum of alternative placements for related services is provided, with documentation to support, by December 15, 2015.

Final determination of the department:

The Department will monitor LCSS for compliance with the corrective action plan until the Department is satisfied that it has been completed.