

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
19-66

Name of the school system:

Marshall County Schools (MCS)

Description of the violation:

MCS failed to develop an appropriate individualize education program (IEP)
MCS failed to provide parents with a prior written notice (PWN)
MCS failed to include parents in IEP team decisions
MCS failed to provide IEP progress reports
MCS failed to provide a free appropriate public education (FAPE)
MCS failed to provide a comprehensive reevaluation
MCS failed to provide parents with the required time to review IEP team decisions

Description of the law or regulation determined to be violated:

34 C.F.R. §300.320	Definition of IEP
34 C.F.R. §300.503	Prior notice by the public agency
34 C.F.R. §300.322	Parent participation
34 C.F.R. §300.101	FAPE
34 C.F.R. §300.305	Additional requirements for evaluations and reevaluations
TN State Rule 0520-01-09-.05	FAPE
TN State Rule 0520-01-09-.13	When IEPs must be in effect

MCS must correct these violations by implementing the following corrective actions:

- 1) Within 5 days of receiving the findings letter, MCS must provide to the department at least two dates for hosting a training provided by the Tennessee Department of Education (TDOE) for all certified special education staff on the aforementioned regulations. Training must be completed no later than 7/31/2019. MCS must provide sign-in sheets for participants as documentation of staff participation;
2. Convene an IEP team meeting after the TDOE training has been completed, but before the first day of school for the 2019-20 SY. Ensure Complainant received her required 10 day notice. The IEP team meeting will meet to complete the following;
 - a. Complete a new reevaluation packet to reconsider and clarify educational eligibility decisions, to consider assessment needs for Intellectual Giftedness, and to discuss the need for additional areas of assessment as needed for Student, including those associated to bullying. Also, discuss the plan for completing the agreed upon assessments from the 4/2/2019 meeting, as well an ensure that consent is provided for an appropriate FBA;
 - b. Review Student's current IEP, update present levels of educational performance (PLEPs), review goals, review accommodations/modifications, review services, and

- review special factors necessary to provide a FAPE;
- c. Discuss the need for compensatory education related to behavior needs as of the result of MCS's failure to complete a FBA in a timely manner, and failure to implement a BIP as agreed upon. Also determine if special education consultation/vision services in the general education setting from Student's 8/3/2018 IEP require compensatory hours;
3. Within fifteen (15) days after the IEP team meeting, provide documentation to the department of the IEP team decisions regarding reevaluation, compensatory hours decision, and if so the plan for providing, and a copy of the agreed upon IEP;
 4. If compensatory hours are determined to be needed, within ten (10) days of the completion of compensatory hours, provide the department with documentation of all completed services;

Final determination of the department: The Department will monitor and document MCS compliance with corrective measures ordered.