

**IDEA WRITTEN ADMINISTRATIVE COMPLAINT  
# 19-36**

**Name of the school system:**

Lebanon Special School District (LSSD)

**Description of the violation:**

LSSD failed to convene an IEP team meeting within 10 days following the use of a restraint.

**Description of the law or regulation determined to be violated:**

Tennessee State Board Rule 0520-01-09-.23	Isolation and Restraint for Student's Receiving Special Education Services
34 C.F.R §300.11	Free Appropriate Public Education"
T.C.A. § 49-10-1304(d)(2)	Restraint or isolation; circumstances allowed; report; monitoring

**Corrective measures ordered by the department:**

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

1. Host a training provided by the Tennessee Department of Education (TDOE) on the aforementioned laws for all appropriate school and district level staff, including all staff responsible for the provision of special education services from each school within the district. Training must be completed prior to the start of the 2019-20 school year;
2. Within 10 days of receipt of the closure letter, convene an IEP team meeting to:
  - a. Discuss the need for an FBA;
  - b. Review Student's BIP and revise as needed;
  - c. Amend Student's IEP to clarify that restraint may only be used in when a student's behavior poses a threat to the physical safety of the student or others nearby; and
  - d. Discuss the need for any compensatory education due to the loss of instructional time as a result of Student's behavior and subsequent restraint;
3. Within 10 days of the IEP meeting, provide the complaint investigator with a status report on the results of the meeting, including a report of any changes made to Student's IEP and a plan for the provision of compensatory education (if applicable);
4. Amend all IEPs which read "If Crisis is defined by the team, PCM procedures will be implemented by Level 2 Practitioners. Crisis is defined as: High Magnitude Disruption, High Magnitude Self Injurious Behavior, or High Magnitude Aggression," to clarify that restraint may only be used in when a student's behavior poses a threat to the physical safety of the student or others nearby. These IEPs should be amended at each students' next IEP meeting; and

5. By June 1, 2019, draft and submit to the department for review and approval written district procedures regarding implementation of the SEBSA statute and Tennessee State Board of Education Rule 0520-01-09-.23.

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