

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
19-61

Name of the school system:

Shelby County Schools (SCS)

Description of the violation:

SCS failed to provide Student's IEP services during removals beyond 10 (ten) days.
SCS failed to convene an IEP team meeting to address Student's continued failing grades and behavior needs in the general education setting.
SCS failed to complete Student's functional behavior assessment and develop a behavior intervention plan.
SCS failed to provide a free appropriate public education (FAPE).

Description of the law or regulation determined to be violated:

34 C.F.R. §300.530	Authority of school personnel
34 C.F.R. §300.324	Development, review, and revision of IEP
34 C.F.R. §300.305	Additional requirements for evaluation and reevaluations
TN State Rule 0520-01-09-.05	FAPE

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

1. Convene an IEP team meeting no later than 8/4/2019 to:
 - a. Complete a new reevaluation packet to reconsider a lack of progress in the general education setting, and determine possible additional areas of educational need;
 - b. Discuss the need for providing 250 minutes of co-teaching English in the general education setting, 250 minutes of co-teaching mathematics in the general education setting, and 60 minutes of academic consultation in the general education setting. Also, discuss additional compensatory education needs as the result of SCS's failure to complete Student's FBA in a timely manner, and failure to implement a BIP;
 - c. Review Student's IEP to develop updated PLEPs, goals, accommodations/modifications, and services, and review special factors necessary to provide a FAPE.
2. Within ten (10) days after the meeting, provide documentation to the department of the IEP team decision regarding reevaluation, the proposed plan for completion of compensatory hours, and decisions regarding IEP needs;
3. Within ten (10) days of the completion of compensatory hours, provide the department with documentation of all completed services;
4. By 9/15/2019, host a training on the aforementioned regulations provided by the Tennessee Department of Education (TDOE) for:

- a. School special education staff and administrators;
- b. All SCS special education directors/supervisors/coordinators; and
- c. All directors/supervisors/coordinators over all school principals, including charter schools.

Following the training, provide the department with sign-in sheets for participants as documentation of staff participation; and

5. During the 2019-20 SY, participate in monthly phone or in-person check ins between school special education staff and administrators, SCS special education staff, and TDOE to review disciplinary logs of all special education students to ensure that all students are receiving their IEP services during any periods of removal exceeding 10 school days.

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