

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
2020-21 #13

Name of the school system:

Shelby County Schools (SCS)

Description of the violation:

SCS failed to:

- evaluate/identify Student for special education services;
- provide Student with an IEP;
- follow proper IEP team procedures by insisting on a Section 504 plan instead of an IEP team meeting; and
- provide Complainant with procedural safeguards

Description of the law or regulation determined to be violated:

34 C.F.R. §300.303 Reevaluation

34 C.F.R. §300.323 When IEPs must be in effect

34 CFR §300.324(b) Development, review, and revision of IEP

34 C.F.R. §300.111 Child Find

34 CFR §§300.504 Procedural safeguards

TN State Rule 0520-01-09-.14 Review and revision of the IEP

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

1. Provide training for all appropriate staff on the aforementioned regulations no later than 2/08/21;
2. Within ten (10) days of completion of the training, provide the department with the agenda, content, and sign-in sheets of participants as documentation of appropriate training content and staff participation;
3. Within 10 school days after receipt of this letter, SCS must offer to convene an appropriately staffed IEP team, including Complainant, in order to: a. initiate reevaluation procedures for Student; b. review any supporting documentation from Complainant regarding Student's current evaluative functioning; c. obtain appropriate parental consent for testing; or d. If the district refuses to evaluate Student, it must provide a PWN to Complainant detailing the refusal to evaluate. The notice must include the basis for the determination and an explanation of the process followed to reach that decision; and e. discuss whether compensatory services are needed;
4. If the team determines to evaluate Student and Student is found: a. not eligible for services: complete a not-eligible report and provide Complainant with a detailed PWN supporting the decision; or b. eligible for services: complete an eligibility report and PWN, and develop an IEP which meets Student's needs and provides a free and appropriate public education (FAPE);

5. Within ten (10) days after an IEP team meeting, provide documentation to the department of all team decisions required under steps #3 and #4; and

6. If the team determines that compensatory services are required, SCS must notify the department with the plan to provide the compensatory services and, upon completion, must send to the department final signed documentation from Complainant verifying completion.

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