**IDEA WRITTEN ADMINISTRATIVE COMPLAINT**

**# 19-42**

**Name of the school system:**

Rutherford County Schools (RCS)

**Description of the violations:**

RCS failed to provide Student with a 1:1 aide according to his individualized education program (IEP);

RCS used inappropriate and excessive restraints to manage Student’s behaviors;

RCS failed to notify parent of restraints within required timeframe;

RCS failed to properly report all restraints;

RCS allowed Student’s IEP to expire;

RA (Rutherford Academy) inappropriately used restraint to manage behavior challenges of numerous students at the school.

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

34 C.F.R. §300.324(2)(i) Development, review and revisions of IEP

34 C.F.R. §300.324 IEP review timeline

T.C.A. §49-10-1304(a) Restraint

T.C.A. §49-10-1303(3) Restraint definitions

T.C.A. §49-10-1304 (d)(1) Restraint notification

TN State Rule 0520-01-09.23(9) Restraint reporting

TN State Rule 0520-01-09-.05 FAPE

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

1. RCS must communicate potential dates for a training provided by the Tennessee Department of Education (TDOE) on the aforementioned regulations for relevant RCS staff, as determined by the department. Training must be completed by 5/1/20. Provide the department with signature sign-in sheets as documentation of staff participation;

2. RCS must ensure that all RA staff are trained using TDOE-approved training materials regarding state and federal law related to the use of restraint on students with disabilities, including the aforementioned regulations. The training may be conducted by RCS and/or TDOE staff and must be conducted prior to the first day of the 2020-21 SY. Provide the department with signature sign-in sheets as documentation of staff participation. Provide proposed training materials to the department for review and approval by 5/15/20;

3. RCS must convene an IEP team meeting within 10 days of receipt of this letter to review Student’s IEP and supporting documents to ensure the following:

a. discuss restraint antecedent data and review Student’s IEP, BIP, and Safety Plan in order to determine if additional assessments, behavioral supports, and IEP changes are needed;

b. develop a plan for collecting data on the implementation of Student’s BIP and Safety Plan and set a review date for the IEP team to analyze the data and determine if changes are needed; and

c. appoint a 1:1 aide for Student according to his IEP and discuss any compensatory services to address the lack of a 1:1 aide and the inappropriate use of restraint; and

4. Within fifteen (15) days after the IEP meeting, provide documentation to the department regarding the IEP team decisions and discussions required under step #3;

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