**IDEA WRITTEN ADMINISTRATIVE COMPLAINT**

**# 19-18**

**Name of the school system:**

Washington County Schools (WCS)

**Description of the violations:**

1. WCS denied parent participation at Student’s manifestation determination review (MDR) meeting;

2. WCS failed to consider Student’s suspected disabilities during an MDR;

3. WCS failed to conduct a comprehensive functional behavior assessment (FBA) in a timely manner;

4. WCS failed to implement an appropriate behavior intervention program (BIP); and

5. WCS failed to implement an appropriate individualized education program (IEP) based on Student’s needs.

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

 34 C.F.R §300.323 “Revision of IEP”

 34 C.F.R §300.324(a)(2)(i) “Develop., review, and revision of IEP: Consideration of special factors”

 34 C.F.R. §300.530(e) “Manifestation Determination”

 34 C.F.R. §300.536 “Development, review, and revision of IEP”

 34 C.F.R. §300.303 “Reevaluations”

 34 C.F.R. §300.305 “Additional requirements for evaluation and reevaluations”

 34 C.F.R. §300.503 “Prior notice by the public agency; content of notice

 34 C.F.R. §300.101 “FAPE”

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

1. WCS must contact the TN Behavior Supports Program to schedule an on-site training to address the aforementioned violations, including the appropriate formation and implementation of FBAs and BIPs, for the following attendees:
* WCS’ entire special education department and special education staff, including the Director of Special Education, WCS Special Education Coordinators, and WCS Psychologists, as well as any school guidance counselors who are tasked with development of FBAs or BIPs.

Please provide to the department the agreed upon date for this training. Subject to TBSP’s availability, training must be completed no later than March 15, 2020;

2. Within ten (10) days of completion of training, provide the department an agenda, content, and sign-in sheets of participants as documentation of appropriate training content and appropriate staff participation;

3. Convene an IEP meeting no later than 11/28/19 to discuss further support of student including, but not limited to:

* 1. Complete a new MDR for consideration of a suspected secondary disability;
	2. Complete a new reevaluation packet to reconsider suspected disabilities, to consider assessment needs for social/emotional areas, and to discuss the need for additional areas of assessment as needed for Student. Also, discuss the need for an updated FBA to determine appropriate behavioral interventions for Student;
	3. Develop an appropriate BIP, based on results of FBA;
	4. Review Student’s previous IEP and develop a new IEP for Student which would provide a FAPE should she re-enroll at WCS;
	5. Discuss the need for compensatory education related to Student’s behavior needs as a result of WCS’s failure to complete a FBA in a timely manner, and failure to implement an appropriate BIP or IEP for Student;

4. Within ten (10) days of completion of this meeting, provide documentation to the department of the IEP team decisions regarding new MDR, reevaluation, FBA, BIP, IEP, and discussion regarding compensatory services;

5. If compensatory services are required, within ten (10) days of completion of all compensatory services, WCS must send to the department final signed documentation from Complainant verifying completion; and

6. During the 2019-20 SY, participate in monthly phone or in-person check-ins between WCS special education staff and administrators, WCS special education staff, and TDOE assigned regional consultant to review FBAs of all special education students to ensure that all students are receiving appropriate FBA and BIP services and implementation.

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