

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
19-20 #56

Name of the school system:

Rutherford County Schools (RCS)

Description of the violations:

RCS failed to provide an appropriate initial assessment based on determined needs;
RCS failed to provide a free and appropriate public education (FAPE).

Description of the law or regulation determined to be violated:

34 C.F.R. §300.304	Evaluation procedures
34 C.F.R. §300.306	Determination of Eligibility
34 C.F.R. §300.17	FAPE
Tennessee SBOE 0520-01-09-.05.	FAPE

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

1. Provide training for all appropriate staff on the aforementioned regulations no later than 8/1/2020;
2. Within ten (10) days of completion of training provide the department with the agenda, content, and sign-in sheets of participants as documentation of appropriate training content and appropriate staff participation;
3. RCS must complete an appropriate speech sound production assessment based on TN standards for special education evaluation and eligibility within 10 school days of receiving this letter;
4. RCS must reconvene an appropriately staffed team within 10 days after completion of the assessment and complete the following:
 - a. Review the speech sound production assessment and determine if Student is eligible or not eligible based on the new results and updated information from a variety of sources of information. The team must consider if any sound production errors are differences and/or deviations;
 - b. If found not eligible, complete a not eligible report and provide Complainant with a detailed PWN supporting the decision;
 - c. If found eligible, complete an eligibility report and PWN, and develop an IEP which provides a FAPE and meets Student's needs;
 - d. If found eligible, the IEP team must calculate the number of owed compensatory service hours dating back to 12/12/2019 (initial date of non-eligibility);
5. Within ten (10) days after the team meeting, provide documentation to the department of all team decisions required under step #4;

6. RCS must, within ten (10) days of completion of all required compensatory services, send to the department final signed documentation from Complainant verifying completion.

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