

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
19-20 #63

Name of the school system:

Shelby County Schools (SCS)

Description of the violation:

SCS failed to provide a parent at least 24 hour notice before holding a manifestation determination review (MDR) meeting;

SCS failed to consider all the required information before making an MDR decision;

SCS failed to complete an annual IEP review;

SCS failed to provide a student with a free and appropriate public education (FAPE).

Description of the law or regulation determined to be violated:

Tennessee SBOE Rule 0520-01-09-.15	Parent participation
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. §300.17	FAPE
Tennessee SBOE 0520-01-09-.05	FAPE

The department finds that the abovementioned violations resulted in a denial of Student's entitlement to a free appropriate public education (FAPE). SCS must correct these violations by implementing the following corrective actions:

1. SCS must communicate potential dates to the department for hosting trainings provided by the Tennessee Department of Education (TDOE) on the aforementioned regulations for relevant SCS staff as determined by the department. Training must be completed no later than 8/1/2020. SCS must provide sign-in sheets for participants as documentation of staff participation;
2. SCS must convene an MDR team (Complainant must have input into members) meeting using an alternative means of meeting participation requirements, such as video conferences and conference calls, within 10 days of receiving this letter (and with at least 24 hours' notice) and complete the following:
 - a. Complete a new MDR related to Student's conduct on 2/28/2020. The review must include all relevant information in the student's file, including the child's IEP (FBA and BIP), any teacher observations, suspected behavioral needs at the time of misconduct, and any relevant information provided by the parents;
3. Within ten (10) days after the MDR meeting, provide documentation to the department of the team's decisions. If behavior was found to be a manifestation of Student's disability, appropriate changes to his discipline record should be made and included in the documentation;

4. SCS must reconvene an appropriately staffed IEP team meeting using an alternative means of meeting participation requirements, such as video conferences and conference calls, within five (5) days after the new MDR, and complete the following:
 - a. Review the administrative complaint closure letter with Complainant;
 - b. Review student's IEP and determine if additional needs or assessments are needed;
 - c. Determine the number of compensatory educational hours needed based on SCS's failure to complete an annual IEP review, and delay in developing and implementing appropriate behavioral interventions in a timely manner from the initial identified need on 11/8/2019;
5. Within ten (10) days after the team meeting, provide documentation to the department of all IEP team decisions required under step #4, including the plan for implementing compensatory educational hours;
6. SCS 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 SCS compliance with corrective measures ordered.