**IDEA WRITTEN ADMINISTRATIVE COMPLAINT**

**# 19-41**

**Name of the school system:**

Shelby County Schools (SCS)

**Description of the violation:**

SCS failed to provide all the required details pertaining to team decisions in a prior written notice provided to the parent.

SCS failed to consider a parents request for a service.

SCS failed to provide an IEP proposal of service times which can be implemented during the length of the school day.

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

SCS failed to include all the required IEP team members in a meeting.

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

34 CFR §300.114 LRE requirements

34 C.F.R. §300.324 Development, review, and revisions of IEP

34 CFR §300.321 IEP team

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

TN State Rule 0520-01-09-.05 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 at IEP team meeting within 10 days of receiving this letter and complete the following:

a. Review Student’s IEP ensuring that all required team members are present;

b. Reconsider Complainant’s request for a 1:1 paraprofessional for Student;

c. Review services and LRE section of Student’s IEP to ensure that needs are met within the school day;

d. Ensure IEP is clear of clerical errors to ensure full parental understanding;

e. Discuss the status of the FBA agreed upon at the 11/20/2019 IEP team meeting;

1. Within fifteen (15) days after the IEP team meeting, provide documentation to the department of the IEP team decisions and discussions required under step #3;
2. Within ten (5) school days of receiving this findings letter, SCS must provide the department with a copy of the district’s 1:1 paraprofessional policy (if one exists) or provide written assurance that a district policy does not exist associated which would deny a student a 1:1 paraprofessional determined as needed through an IEP team decision;
3. Within ten (10) school days of receiving this findings letter, SCS must submit to a draft memo for departmental review and approval stating that decisions regarding special education services (including decisions regarding 1:1 paraprofessionals) must be determined through the IEP team process, and must be based on individual student need. Following approval by the department, provide the department with evidence that the memo was distributed within five (5) school days of approval to all special education staff and school administrators.

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