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February 18, 2026

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RE: [redacted], THE STUDENT AND [redacted] THE PARENT V. OAK RIDGE CITY SCHOOLS, APD Case No. 07.03-257115J

Enclosed is a *Final Order*, including a *Notice of Appeal Procedures,* rendered in this case.

Administrative Procedures Division
Tennessee Department of State

Enclosure(s)

BEFORE THE TENNESSEE DEPARTMENT OF EDUCATION DIVISION OF SPECIAL EDUCATION

IN THE MATTER OF: **[redacted]., THE STUDENT, *and* [redacted]., THE PARENT,** ***Petitioners,*** ***v.*** **OAK RIDGE CITY SCHOOLS,** ***Respondent.***	**APD Case No. 07.03-257115J**

FINAL ORDER

On December 19, 2025, Petitioners, [redacted]., the student, and [redacted], the parent, provided Respondent, Oak Ridge City Schools (ORCS), which is the school system or local education agency (LEA), with an expedited due process complaint under the Individuals with Disabilities Education Act (IDEA). Petitioner [redacted] represents Petitioners, having waived the right to legal counsel. Attorney Caitlin Burchette represents Respondent. The expedited hearing was heard by Administrative Judge Claudia Padfield via videoconference on February 2, 2026.[1] The transcript with hearing exhibits was filed on February 6, 2026. Petitioners filed PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW on February 13, 2026. Respondent filed RESPONDENT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW on February 13, 2026. The FINAL ORDER on the expedited case is due to be issued by February 20, 2026.

Petitioners allege that Respondent incorrectly determined that Petitioner [redacted]'s behavior was not a manifestation of a disability. Thus, the issue to be determined is whether Petitioner [redacted]s conduct in having a vape and a vape containing an illegal drug to school was a manifestation of a disability. After reviewing the testimony, exhibits, arguments of the parties,

[1] Judge Padfield is an independent and neutral administrative judge assigned by the Tennessee Secretary of State's Administrative Procedures Division to preside over the case and to issue a final order under TENN. CODE ANN. § 4-5-314.

and the RECORD, it is determined that the Petitioners have failed to meet their burden of proving by a preponderance of the evidence that Petitioner [redacted]'s conduct was a manifestation of a disability.

SUMMARY OF THE EVIDENCE

Sixteen exhibits were accepted into evidence at the hearing. Petitioner [redacted] testified on behalf of Petitioners.

Four witnesses testified on behalf of Respondent: 1) Brian Tinker, [redacted] Principal; 2) Scott Hinton, [redacted] Dean of Students; 3) [redacted], [redacted] inclusion education teacher; and 4) Shanta Diggs, [redacted] school psychologist.

FINDINGS OF FACT

1. Petitioner [redacted]. is a [redacted]-year-old [redacted] student who currently attends [redacted] in Oak Ridge, Tennessee.

2. Petitioner [redacted]. attended [redacted] for the beginning of [redacted] grade school year.

3. Petitioner [redacted]. has a qualifying disability as defined by the IDEA. The eligibility listed on [redacted] Individualized Education Plan (IEP) is "Specific Learning Disability – Reading Fluency." [redacted] was noted to have a diagnosis of ADHD [attention-deficit/hyperactivity disorder] under the medical summary section of the IEP. The IEP noted that Petitioner [redacted] did not "have any new academic and behavioral concerns and during re-eval no changes are necessary at this time." EXHIBIT 14, p. 2. Petitioner [redacted].'s only listed concern was that [redacted] wanted Petitioner [redacted] to be more involved in school sponsored clubs or teams.

4. The IEP noted three assessment areas in which Petitioner [redacted]. had deficits and needed modifications and accommodations: basic reading skills, math calculation, and social and emotional.

5. Regarding the social and emotional assessment area, Petitioner [redacted] was noted to have 13 "checkmarks" for behavior that needed improvement.[2] Petitioner [redacted]. was noted to be impulsive and acting without consideration of consequences.

6. To accommodate for Petitioner [redacted]'s deficits, the following modifications and accommodations were listed:

- Extended time to complete assignments
- Flexible setting
- Give directions in small, distinct steps
- Oral presentation
- Planned/preferential seating
- Reduce/minimize distractions (visual, auditory, tactile, movement, and/or social) and
- Rest or breaks

7. On August 27, 2024, Petitioner [redacted]. exited a bathroom after using a vape inside the bathroom. The vape was then found in [redacted] locker. Petitioner [redacted] received a two-day suspension for [redacted] conduct.

8. On October 17, 2024, Petitioner [redacted]. was found in possession of a vape and a vape with tetrahydrocannabinol (THC) at school.

9. A manifestation determination review (MDR) meeting was held on October 22, 2024, in which Petitioner [redacted]. participated.

10. The MDR determined that Petitioner [redacted].'s behavior of bringing a vape and a vape with THC to school was not a manifestation of [redacted] disability. In response to whether the

[2] While listed as an area that needed improvement, it was noted that Petitioner [redacted]. checked the box of "frequent in classroom participation" which is not a deficit.

behavior in question was an isolated incident or a recurrent pattern of behavior, the MDR noted that Petitioner [redacted]. "was suspended 8/28/24 for possession of vape." EXHIBIT 11, p. 1.

11. Petitioner [redacted] agreed with the MDR determination.

12. As a result of the 2024 MDR determination, Petitioner [redacted]. was placed in an alternative learning environment for one year, where [redacted] completed [redacted] grade. [redacted] returned to [redacted] in October 2025, approximately halfway through the first quarter of [redacted] grade.

13. Petitioner [redacted]'s IEP was last updated during an annual review on February 25, 2025. It was developed after the 2024 MDR determination and while Petitioner [redacted] was at the alternative school placement.

14. On December 4, 2025, a student was discovered off campus behind a church next door to [redacted]. The student reported that he had taken "a hit" off a vape and returned the vape to Petitioner [redacted]. An ambulance had to be called. No disciplinary action was taken since the alleged behavior did not occur on school property.

15. At the outset of school between 7:45 and 8:15 a.m. the following morning, December 5, 2025, Petitioner [redacted] was brought into Principal Brian Tinker's office to discuss the allegation that Petitioner [redacted] had given another student a vape. Principal Tinker wanted to determine who had the vape used by the reporting student.

16. Petitioner [redacted] told Principal Tinker that [redacted] had a vape and gave Principal Tinker the vape from [redacted] backpack. The vape did match the vape's description given by the student on December 4, 2025. As such, Principal Tinker asked if there was anything else. Petitioner [redacted]. then reported that [redacted] had a second vape and gave it to Principal Tinker from [redacted] backpack.

17. Petitioner [redacted] wrote a student statement. The statement admitted that Petitioner and two other students went to the back of the church on December 4, 2025, and "hit a vape."

18. Both vapes were sent by the student resource officer to the police department. The police department reported that one of the vapes contained THC; the other vape contained nicotine.

19. A December 5, 2025 Notification of Disciplinary Incident noted that Petitioner [redacted]. was found in possession of two vapes as [redacted] entered the school that day. [redacted] was suspended pending an MDR meeting on December 9, 2025. If needed, the matter was also set to go before the Disciplinary Hearing Authority (DHA) on December 11, 2025.

20. Due to miscommunication, Petitioner [redacted]. was not present at the MDR meeting on December 9, 2025. Petitioner [redacted]. was given a choice between attending via telephone or rescheduling the meeting; [redacted] chose to participate via telephone. It was determined that Petitioner[redacted]s conduct was not a manifestation of a disability and proposed that [redacted] go before the DHA for disciplinary action.

21. Petitioner [redacted] requested a second MDR meeting. The request was granted, and the second MDR meeting was scheduled for December 17, 2025. Because of the second MDR meeting, the incident was removed from the DHA calendar for December 11, 2025.

22. Petitioner [redacted] attended the second MDR meeting and brought a note from Petitioner [redacted].'s pediatrician. The doctor noted that Petitioner [redacted]'s impulsive behavior is partially attributable to his diagnosis of ADHD.

23. The MDR determination was that Petitioner [redacted]'s behavior of bringing vapes and vapes with THC to school was not impulsive but rather a recurrent pattern of behavior. It was determined that [redacted] conduct was not a manifestation of a disability. The MDR meeting participants made the following finding as to why a manifestation finding was rejected:

> [Petitioner [redacted]] has average cognitive ability but difficulty reading. [redacted] difficulty with reading did not cause the behavior. In addition, [[redacted]] has an ADHD diagnosis. While ADHD can result in impulsive behaviors,

> [Petitioner [redacted]'s] decisions are not considered impulsive as this is a recurring pattern of behavior. In addition, [[redacted]] has expressed to school administrators that [redacted] is addicted[.] … ADHD would not be the cause of [Petitioner [redacted].] bringing drugs to school.

EXHIBIT 6, p. 2. The MDR proposed to have Petitioner [redacted] go before the DHA for disciplinary action.

24. Petitioner [redacted]. did not agree with the determination as evidenced by [redacted] signature on the MDR form. Petitioner [redacted] believes that the MDR meeting participants did not fully consider Petitioner [redacted].'s ADHD diagnosis.

25. ORCS has established a Code of Conduct. The code provides four levels of misbehaviors that progress in severity.

26. Level IV misbehaviors are "acts which result in violence to another person or property, or which pose a threat to the safety of others in the school. These acts are so serious that they usually require administrative actions which result in the immediate removal of the student from the school and the intervention of law enforcement authorities." EXHIBIT 13, p. 5. Of the examples listed as level IV misbehaviors, one is the possession of unauthorized substances such as controlled substances or legend drugs. That misbehavior is noted to be a zero-tolerance offense.

27. Petitioners requested and were provided with the missed work for Petitioner [redacted]. while [redacted] was suspended pending a DHA hearing so that [redacted] could miss the least amount of instruction possible. The materials were provided on December 15, 2025, pending the second MDR meeting. The second MDR meeting occurred on December 17, 2025, the day before Christmas break began.

28. Because the conduct was a zero-tolerance offense, the matter was to go before the DHA for consideration of the appropriate discipline. However, the due process complaint was

filed on December 19, 2025, just two days after the second MDR meeting and determination. As such, Petitioner [redacted] remained in [redacted] current placement at [redacted] pending the appeal.

29. The MDR determination indicated that they will recommend that the DHA reduce the discipline from mandatory zero-tolerance expulsion to a request that Petitioner [redacted]. spend a year in the alternative placement.

APPLICABLE LAW

1. 34 C.F.R. § 300.530 states the following regarding a manifestation determination:

> (a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.
>
> (b) General.
>
> > (1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).
> >
> > (2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.
>
> (c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be

applied to children without disabilities, except as provided in paragraph (d) of this section.

(d) Services.

(1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must—

(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.

(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.

(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.

(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

(f) Determination that behavior was a manifestation. If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must—

(1) Either—

(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or

(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

(g) Special circumstances. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—

(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;

(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

(h) Notification. On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.

(i) Definitions. For purposes of this section, the following definitions apply:

(1) Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

> (4) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

2. Pursuant to 34 C.F.R. § 300.532, the implementing regulations of the IDEA regarding a manifestation determination review provide:

> (a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§ 300.530 and 300.531, or the manifestation determination under § 300.530(e), or an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others, may appeal the decision by requesting a hearing. The hearing is requested by filing a complaint pursuant to §§ 300.507 and 300.508(a) and (b).
>
> (b) Authority of hearing officer.
>
> > (1) A hearing officer under § 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section.
> >
> > (2) In making the determination under paragraph (b)(1) of this section, the hearing officer may—
> >
> > > (i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of § 300.530 or that the child's behavior was a manifestation of the child's disability; or
> > >
> > > (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.
> >
> > (3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.
>
> (c) Expedited due process hearing.
>
> > (1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute

must have an opportunity for an impartial due process hearing consistent with the requirements of §§ 300.507 and 300.508(a) through (c) and §§ 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section.

(2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing.

(3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in § 300.506—

(i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and

(ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint.

(4) A State may establish different State-imposed procedural rules for expedited due process hearings conducted under this section than it has established for other due process hearings, but, except for the timelines as modified in paragraph (c)(3) of this section, the State must ensure that the requirements in §§ 300.510 through 300.514 are met.

(5) The decisions on expedited due process hearings are appealable consistent with § 300.514.

3. The applicable portions of TENN. CODE ANN. § 49-6-3401 (emphasis added) provide:

(a) Any principal, principal-teacher or assistant principal of any public school in this state is authorized to suspend a pupil from attendance at the school, including its sponsored activities, or from riding a school bus, for *good and sufficient reasons*. Good and sufficient reasons for suspension include, but are not limited to:

(10) Unlawful use or possession of barbital or legend drugs, as defined in § 53-10-101;

***

(g) (1) Is it the legislative intent that if a rule or policy is designed as a zero tolerance policy, then violations of that rule or policy must not be tolerated and violators shall receive certain, swift, and proportionate punishment.

(2) Notwithstanding this section or any other law to the contrary, a student has committed a zero tolerance offense if the student:

***

(C) is in unlawful possession of any drug, including a controlled substance, as defined in §§ 39-17-402 – 39-17-415, controlled substance analogue, as defined in § 39-17-454, or legend drug, as defined by § 53-10-101, on school grounds or at a school-sponsored event;

***

(6) For purposes of this subsection (g);

(A) "Expelled" means removal from the student's regular school program at the location where the violation occurred or removal from school attendance altogether, as determined by the school official; and

(B) "Zero tolerance offense" means an offense committed by a student requiring the student to be expelled from school for at least one (1) calendar year that can only be modified on a case-by-case basis by the director of schools or the head of a charter school.

4. It is illegal for anyone under the age of 21 to possess, buy, or receive vape or tobacco in Tennessee. TENN. CODE ANN. § 39-17-1505.

5. It is illegal for anyone, regardless of age, to possess or exchange marijuana in Tennessee. TENN. CODE ANN. § 39-17-418.

ANALYSIS

The U.S. Supreme Court held in *Schaffer v. Weast* that the burden of proof is on the party "seeking relief." 546 U.S. 49, 51 (2005). Thus, when a parent files a request for an expedited due process hearing regarding a manifestation determination review, the parent bears the burden of proof in the due process hearing. *Id.* at 56; *see also Cordrey v. Euckert*, 917 F.2d 1460, 1469 (6th Cir. 1990). In this case, Petitioners bear the burden of proof.

When enacting the IDEA, Congress conferred jurisdiction of a student's IDEA claim upon administrative judges. *See* 20 U.C.A. § 1415(f)(3)(A). In Tennessee, the Office of the Secretary of State, Administrative Procedures Division, has jurisdiction over the subject matter and the parties of this proceeding; the undersigned administrative judge has the authority to issue final orders. *See* State Board of Education Rules, Special Education Programs and Services, TENN. COMP. R. & REGS. 0520-01-09-.18; *see* TENN. CODE ANN. § 49-10-101.

Children such as Petitioner [redacted] qualify for special education services under the recognized disability category of Specific Learning Disability under TENN. COMP. R. & REGS. 0520-01-09-.03(13). As a threshold matter, it is undisputed that Petitioner [redacted] is an individual entitled to protection under the IDEA due to [redacted] disability with reading fluency. The IDEA provides certain procedural safeguards to ensure that protected students are not unjustly disciplined for behaviors that arise from their disabilities. *See* 34 C.F.R. § 300.532. However, protected students are not wholly exempt from school discipline. Rather, the school "may consider any unique circumstances on a case-by-case basis when determining whether a change in placement … is appropriate for a child with a disability who violates a code of student conduct." 34 C.F.R. § 300.530(a). If the school determines that a change in placement for more than ten days is warranted for a disciplinary violation, the student's IEP team is required to meet to determine whether the conduct in question was "caused by or had a direct and substantial relationship to the child's disability" or "was the direct result of the [school's] failure to implement the IEP." 34 C.F.R. § 300.530(e); *see also* 34 C.F.R. § 300.530(b) (noting that manifestation determinations are not required for disciplinary changes in place of ten days or less).

It is uncontested that Petitioner [redacted] was in possession of a vape and a THC vape on school property. It is also uncontested that Petitioner [redacted]'s actions were illegal. Petitioner [redacted]

produced the vapes when asked if [redacted] knew where the vape used on December 4, 2025, was. The participants in the MDR meeting considered Petitioner [redacted]'s primary disability and ADHD diagnosis in reviewing [redacted] conduct and concluded that [redacted] behavior was not a manifestation of [redacted] disability or ADHD diagnosis.

Petitioners have not argued that Petitioner [redacted]'s conduct of having a vape and a vape with THC at school was a manifestation of [redacted] primary disability of specific learning disability – reading fluency. Rather, Petitioners have argued that Petitioner [redacted]'s diagnosis of ADHD was not properly considered when making the manifestation determination. Petitioners have attempted to categorize Petitioner [redacted]'s behavior as impulsive and due to a lack of executive functioning and emotional regulation. First, Petitioner [redacted] had an IEP at the time of [redacted] initial suspension in August 2024 for bringing a vape to school. The IEP remained in place at the time of the October 2024 incident, involving the same behaviors as in the current appeal, which led to [redacted] placement in an alternative school for one year. At that time, Petitioner [redacted] agreed with the determination despite knowing about Petitioner [redacted].'s ADHD diagnosis. When given the opportunity to request new or different services at the annual IEP meeting in February 2025, Petitioner [redacted]. did not have any new academic or behavioral concerns.

Second, the IEP team considered the ADHD diagnosis when updating the IEP in February 2025. Petitioner [redacted]. was noted to act impulsively and without considering consequences. The IEP addressed these behaviors by providing accommodations and modifications to allow Petitioner [redacted]. to succeed academically and in non-academic settings.

Third, both MDR meetings considered the ADHD diagnosis. While Petitioners argued the conduct was impulsive, the other MDR meeting participants determined that the conduct was not impulsive but rather a pattern of behavior. Petitioner [redacted] brought a vape to school in August 2024. [redacted] brought a tobacco vape and a THC vape to school in October 2024. [redacted] acknowledged

[redacted] had a vape at school on December 4, 2025. [redacted] then acknowledged and produced a vape and a THC vape to the principal shortly after arriving at school on December 5, 2025. This pattern of behavior does not show impulsivity or a lack of executive functioning.

Lastly, Petitioner [redacted]'s actions of bringing a tobacco vape and a THC vape to school were illegal. There is no accommodation or modification that ORCS could have made for these behaviors. There is no substitute behaviors or redirection that could have been made by ORCS staff for these illegal behaviors.

Petitioners have conflated and equated diagnosis with disability. While Petitioner [redacted] has a diagnosis of ADHD, no evidence supports that Petitioner [redacted]. is disabled because of the diagnosis. While Petitioner [redacted]. has expressed concerns regarding Petitioner [redacted].'s ability to manage [redacted] impulses due to [redacted] ADHD, there is no evidence to establish that Petitioner [redacted]'s level of impulsiveness is a disability that qualifies [redacted] to receive special education services for that diagnosis. Petitioner [redacted] has not exhibited any of the impairments as delineated and required in the guidelines for the disability of Other Health Impairment. Petitioners have argued, "The manifestation inquiry requires an individualized determination focused on disability-related causation—not categorical offense classification." This argument is contradictory to the arguments that Petitioner [redacted]'s ADHD diagnosis, in and of itself, constitutes a disability and that the ADHD diagnosis, without any other consideration, caused [redacted] to have a THC vape at school. In analyzing Petitioner [redacted].'s behaviors, there is no disability-related causation.

ADHD can lead to impulsivity and failure to recognize long-term consequences of actions. Assuming, *sua sponte*, that Petitioner [redacted]'s ADHD diagnosis is a disability, Respondent noted [redacted] deficits in the areas relating to ADHD and established accommodations and modifications to address these deficits on [redacted] IEP in February 2025. Additionally, Petitioner [redacted]'s actions were not impulsive but rather repetitive. Petitioner [redacted]. was first suspended in

August 2024 for having and using a tobacco vape at school. The same conduct as the instant appeal was then discovered in October 2024 except that time with a THC vape. Petitioner [redacted]. was aware of the consequences of the conduct because [redacted] was placed in an alternative learning setting for a calendar year. After returning to [redacted] in October 2025, Petitioner [redacted]. repeated the conduct less than two months later.

One cannot reasonably argue that his ADHD diagnosis rendered [redacted] incapable of understanding the consequences when [redacted] had already experienced the consequences of the same conduct. [redacted] knew that possession of a vape containing THC was a violation of the code of conduct and [redacted] knew the penalty for such a violation. Petitioner [redacted] had been previously suspended for possessing a tobacco vape and then sent to an alternative school for a year for having a THC vape. It is illegal for Petitioner[redacted] to have or possess even a tobacco vape. As these items are illegal for Petitioner[redacted] to buy, it takes knowledge, planning, and skill to acquire and maintain these items. Yet despite [redacted] ADHD diagnosis, Petitioner [redacted] has repeatedly shown the executive functioning skill set to acquire and maintain possession of these illegal items. Petitioner [redacted]'s repeated possession of the vapes, placing the vapes in [redacted] backpack or in [redacted] locker, and maintaining possession of the vapes are executive functions that demonstrate a lack of impulsivity and indicate that [redacted] had control over [redacted] actions.

"An IEP is not a form document. It is constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth." *Endrew F. v. Douglas Cty. Sch. Dist*, 137 S.Ct. 988, 999 (2017). The IEP, as developed by the team that included Petitioner [redacted], adequately addressed not only Petitioner [redacted].'s recognized disability but also considered [redacted] medical diagnosis of ADHD. The IEP provided appropriate accommodations for Petitioner [redacted] based on [redacted] social, emotional, physical, and academic needs. The preponderance of the evidence supports the manifestation determination that Petitioner [redacted]'s conduct was not a

result of Respondent's failure to implement his IEP or to consider ADHD as a cause for [redacted] conduct.

Having weighed the testimony and evidence accepted, it is determined that Petitioners failed to show, by a preponderance of the evidence, that Petitioner [redacted]'s possession of two vapes, one with THC, was a manifestation of a disability. Because [redacted] conduct was not a manifestation of a disability, Respondent was permitted to "apply the relevant disciplinary procedures to [Petitioner [redacted]] in the same manner and for the same duration as the procedures would be applied to children without disabilities." 34 C.F.R. § 300.530(c). Accordingly, consistent with its disciplinary policy, Respondent may refer the matter to the DHA for its disciplinary determination.

CONCLUSIONS OF LAW

1. Petitioner [redacted]. is an individual entitled to protection under the IDEA due to [redacted] eligibility under the IDEA.

2. ORCS is an LEA and is subject to the requirements of the IDEA.

3. Petitioner [redacted] was in possession of a vape and a THC vape on school property on December 5, 2025.

4. Petitioner [redacted]'s conduct was not a manifestation of [redacted] disability or [redacted] diagnosis of ADHD.

5. It is **CONCLUDED** that Petitioners have failed to prove, by a preponderance of the evidence, that Petitioner [redacted]'s violation was a manifestation of [redacted] recognized qualifying disability or of [redacted] ADHD diagnosis.

6. It is **CONCLUDED** that Petitioner [redacted].'s conduct was not a result of Respondent's failure to properly implement Petitioner [redacted].'s IEP.

7. It is **CONCLUDED** that Respondent properly considered whether Petitioner [redacted]'s conduct was a result of either [redacted] reading disability or ADHD diagnosis and determined it was not.

8. It is further **CONCLUDED** that Respondent is the prevailing party on all issues.

IT IS THEREFORE ORDERED that Petitioners' request for relief—that the manifestation determination be overturned—is **DENIED**, and the appeal is **DISMISSED**.

The policy reasons for this decision are to uphold the laws of the State of Tennessee, to facilitate the fair and efficient management of the Tennessee Department of Education rules and statutes, and to ensure adequate due process is provided for the education of children with disabilities to parents, students, and local education agencies.

It is so **ORDERED**.

This FINAL ORDER entered and effective this the **18th day of February 2026**.

CLAUDIA PADFIELD
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the **18th day of February 2026**.

IN THE MATTER OF: **APD CASE No. 07.03-257115J**

[redacted], THE STUDENT AND [redacted], THE PARENT V. OAK RIDGE CITY SCHOOLS

NOTICE OF APPEAL PROCEDURES

REVIEW OF FINAL ORDER

The Administrative Judge's decision in your case in front of the **Tennessee Department of Education**, called a Final Order, was entered on **February 18, 2026**. If you disagree with this decision, you may take the following actions:

1. **File a Petition for Reconsideration:** You may ask the Administrative Judge to reconsider the decision by filing a Petition for Reconsideration with the Administrative Procedures Division (APD). A Petition for Reconsideration should include your name and the above APD case number and should state the specific reasons why you think the decision is incorrect. APD must **receive** your written Petition no later than 15 days after entry of the Final Order, which is no later than **March 5, 2026.**

   The Administrative Judge has 20 days from receipt of your Petition to grant, deny, or take no action on your Petition for Reconsideration. If the Petition is granted, you will be notified about further proceedings, and the timeline for appealing (as discussed in paragraph (2), below) will be adjusted. If no action is taken within 20 days, the Petition is deemed denied. As discussed below, if the Petition is denied, you may file an appeal no later than **April 20, 2026**. *See* TENN. CODE ANN. §§ 4-5-317 and 4-5-322.

2. **File an Appeal:** You may file an appeal the decision in federal or state court within 60 days of the date of entry of the Final Order, which is no later than **April 20, 2026**, by:

   (a) filing a Petition for Review "in the Chancery Court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the Chancery Court of Davidson County," TENN. CODE ANN. § 4-5-322; or
   (b) bringing a civil action in the United States District Court for the district in which the school system is located, 20 U.S.C. § 1415.

   The filing of a Petition for Reconsideration is not required before appealing. *See* TENN. CODE ANN. § 4-5-317.

STAY

In addition to the above actions, you may file a Petition asking the Administrative Judge for a stay that will delay the effectiveness of the Final Order. A Petition for Stay must be **received** by APD within 7 days of the date of entry of the Final Order, which is no later than **February 25, 2026**. *See* TENN. CODE ANN. § 4-5-316. A reviewing court also may order a stay of the Final Order upon appropriate terms. *See* TENN. CODE ANN. §§ 4-5-322 and 4-5-317.

FILING

Documents should be filed with the Administrative Procedures Division by email *or* fax:

Email: APD.filings@tnsos.gov

Fax: 615-741-4472

In the event you do not have access to email or fax, you may mail or deliver documents to:

NOTICE OF APPEAL PROCEDURES

Secretary of State
Administrative Procedures Division
William R. Snodgrass Tower
312 Rosa L. Parks Avenue
Nashville, TN 37243-1102