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Department of State
Administrative Procedures Division
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April 8, 2026

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**RE: [REDACTED], THE STUDENT AND [REDACTED], THE PARENT V. CUMBERLAND COUNTY
SCHOOL SYSTEM, APD Case No. 07.03-260445J**

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:

■, THE STUDENT, *and*
■, THE PARENT,
Petitioners,

v.

**CUMBERLAND COUNTY SCHOOL
SYSTEM,**
Respondent.

APD Case No. 07.03-260445J

FINAL ORDER

This matter came before the undersigned administrative judge for a due process hearing on March 11, 2026, in Crossville, Tennessee. The Petitioners appeared *pro se*. The Respondent, Cumberland County Schools (“LEA”), appeared through counsel.

At the conclusion of Petitioners’ proof, the LEA moved to dismiss the case on the grounds that Petitioners failed to meet their burden of proof. For the reasons set forth below, the motion was **GRANTED**.

FINDINGS OF FACT

1. A due process hearing was convened on March 11, 2026, regarding allegations brought by Petitioners under the Individuals with Disabilities Education Act (“IDEA”).

2. Petitioners appeared without counsel and presented their case through the testimony of ■, who was the sole witness.

3. Petitioners did not present testimony from any educators, service providers, evaluators, or other third-party witnesses.

4. Petitioners did not introduce expert testimony or independent evaluations supporting their claims.

5. Petitioners' proof consisted primarily of personal testimony and argument regarding alleged deficiencies in the student's educational program.

6. Petitioners did not present sufficient documentary or testimonial evidence establishing that the student's Individualized Education Program ("IEP") was inappropriate or not reasonably calculated to enable appropriate progress in light of the student's circumstances.

7. Petitioners did not present sufficient evidence demonstrating that the LEA failed to implement the IEP.

8. To the extent Petitioners alleged procedural violations, Petitioners did not present evidence establishing that any such violations impeded the student's right to a free appropriate public education ("FAPE"), significantly impeded parental participation, or caused a deprivation of educational benefit.

9. Petitioners did not present sufficient evidence supporting the specific relief requested.

10. At the conclusion of Petitioners' proof, the LEA moved to dismiss the case based on Petitioners' failure to meet their burden of proof.

11. Following the hearing, Petitioners requested to reopen the record to submit additional exhibits that were not introduced during the hearing.

12. Petitioners were provided the opportunity to present evidence at the hearing and did not establish good cause sufficient to justify reopening the record after the close of proof.

CONCLUSIONS OF LAW

1. When enacting IDEA, Congress clearly conferred jurisdiction of a student's IDEA claims upon hearing officers, also known as administrative judges. *See* 20 U.C.A. § 1415(f)(3)(A). Administrative judges have jurisdiction to determine whether a student received an appropriate education under the IDEA. 20 U.C.A. § 1415(f)(3)(E).

2. In Tennessee, the Office of the Secretary of State, Division of Administrative Procedures, has jurisdiction over the subject matter and the parties of this proceeding, and the undersigned administrative judge has the authority to issue final orders. *See* TENN. COMP. R. & REGS. 0520-01-09-.18; *see* TENN. CODE ANN. § 49-10-101.

3. 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 a due process hearing, the parent bears the burden of proof, or burden of persuasion, in the due process hearing. *Id.* at 56 (citing 2 J. Strong, McCormick on Evidence § 337, p. 412 (5th Ed. 199)) (referencing the “default rule that [Petitioners] bear the risk...” and “[t]he burdens of pleading and proof...should be assigned to the [Petitioner] who generally seeks to change the present state of affairs...”); *see also* *Cordrey v. Euckert*, 917 F.2d 1460, 1469 (6th Cir. 1990) (the party challenging the IEP bears the burden of proof in an IDEA action).

4. In the instant case, Petitioners clearly bear the burden of persuasion. [REDACTED] the parent of [REDACTED], filed a request for a due process hearing, alleging that the LEA failed to offer [REDACTED] a free appropriate public education in accordance with the IDEA. Thus, [REDACTED] bears the burden of proving the specific violations alleged in the due process complaint. *See Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S.Ct. 988, 999 (2017).

5. The IDEA requires the LEA to provide FAPE in the LRE (Least Restrictive Environment) to all students with disabilities who need special education and related services. IDEA, 20 U.C.A. §1400 *et. seq.* The requirements of the IDEA have been adopted, with some additional requirements, by the Tennessee State Board of Education. *See* TENN. COMP. R. & REGS. 0520-01-09.

6. School districts are required to identify students suspected of having a disability who are “in need of” special education and related services. *See* IDEA, U.C.A. §1401(3)(A).

Students who are eligible for special education and related services are entitled to an IEP. *Bd. of Educ. of the Hendrick Hudson School Dist. V. Rowley*, 458 U.S. 176, 181 (1982). In developing educational programs and determining appropriate services for those students through an IEP, school districts must comply with the substantive and procedural requirements of the IDEA and related state law. *See Rowley* at 182. However, parents are not entitled to relief for minor procedural violations alone. Technical procedural violations do not render an IEP invalid. *Dong v. Board of Educ. of Rochester Community Schs.*, 197 F.3d 793, 800 (6th Cir. 1999). A determination of whether a student received FAPE must be based on substantive grounds. 34 C.F.R. § 300.513(1). When a procedural violation is alleged, an administrative judge can only find a FAPE violation if a procedural violation “(1) impeded the child’s right to FAPE; (2) significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of FAPE to the parent’s child; or (3) caused a deprivation of educational benefit.” 34 C.F.R. § 300.513(2). Only procedural violations that result in substantive harm constitute a denial of FAPE and justify relief. *Knable v. Bexley City Sch. Dist.*, 238 F.3d 755, 764 (6th Cir. 2001) (procedural violations must cause substantive harm and constitute denial of FAPE to be actionable); *see also Bd. of Educ. of Fayette County, Ky. V. L.M.*, 478 F.3d 307, 313 (6th Cir. 2007).

7. In an IDEA due process hearing, the tribunal may evaluate the sufficiency of the petitioner’s proof at the close of the petitioner’s case and determine whether the evidence establishes a right to relief.

8. To establish a denial of FAPE, Petitioners must demonstrate that the student’s IEP was not reasonably calculated to enable the child to make appropriate progress in light of the child’s circumstances.

9. Petitioners failed to present sufficient evidence establishing that the LEA denied the student a FAPE.

10. Procedural violations constitute a denial of FAPE only where they:

- (a) impede the child's right to FAPE;
- (b) significantly impede parental participation; or
- (c) cause a deprivation of educational benefit.

11. Petitioners failed to establish that any alleged procedural violations resulted in substantive harm under the IDEA.

12. Petitioners failed to meet their burden of proof as to any claim asserted in this matter.

13. Accordingly, dismissal at the close of Petitioners' proof is appropriate.

14. With respect to Petitioners' request to reopen the record, administrative due process proceedings require parties to present their evidence during the hearing. Petitioners were afforded a full and fair opportunity to present evidence and did not demonstrate good cause to reopen the record after the close of proof. Allowing the submission of additional exhibits after the hearing would be prejudicial and inconsistent with the orderly administration of the proceeding. Therefore, the request to reopen the record is denied.

The policy reasons for this decision are to uphold the laws of the State of Tennessee and to facilitate the fair application of the Individuals with Disabilities Education Act.

It is so **ORDERED**.

This FINAL ORDER entered and effective this the **8th day of April 2026**.



**J. SHANNON BARNHILL
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE**

[REDACTED], THE STUDENT AND [REDACTED], THE PARENT V.

CUMBERLAND COUNTY SCHOOL SYSTEM

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 **April 8, 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 **April 23, 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 **June 8, 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 **June 8, 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 **April 15, 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:

IN THE MATTER OF:

APD CASE No. 07.03-260445J

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NOTICE OF APPEAL PROCEDURES

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