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April 17, 2026

[REDACTED]

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RE: [REDACTED], THE PARENT AND [REDACTED], THE STUDENT V. MEMPHIS-SHELBY COUNTY SCHOOLS, APD Case No. 07.03-260805J

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.

**MEMPHIS-SHELBY COUNTY
SCHOOLS,**
Respondent.

APD Case No. 07.03-260805J

FINAL ORDER

This matter was brought by Petitioners, ■, the student, and ■ parent, ■, to determine whether Respondent and local education agency, Memphis-Shelby County Schools (MSCS), denied ■ a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) by (1) failing to follow ■ Individualized Education Plan (IEP) and (2) failing to provide ■ with an appropriate educational placement. Specifically, Petitioners allege that Respondent failed to provide appropriate supervision, resulting in injury to the student on January 9, 2026, and that MSCS failed to provide an appropriate educational placement following the incident. The critical inquiry is whether the student's IEP required constant supervision by a special education teacher. The Petitioners must prove the alleged violations by a preponderance of the evidence, and, if that burden is met, present evidence regarding an appropriate remedy.

SUMMARY OF DECISION

It is determined that Petitioners have not met the burden of proof on either issue. ■'s IEP did not require constant supervision by a special education teacher. Supervision could be provided by trained and qualified personnel, including special education assistants. While it is

regrettable that [REDACTED]. suffered an injury while under the supervision of a special education assistant and in the care of MSCS, the injury was not caused by a denial of FAPE. There is no evidence that [REDACTED] was not receiving the services required by [REDACTED] IEP.

As for providing an appropriate educational placement following the incident, MSCS offered to transfer [REDACTED] to a different school, and there were discussions about homebound placement or homebound instruction. However, [REDACTED]. requested classroom video surveillance when [REDACTED]. was in attendance and constant supervision by a special education teacher, even though neither of those requirements was indicated by [REDACTED].’s IEP. By [REDACTED].’s own admission, she did not agree to place [REDACTED]. in any school that did not have cameras in the classroom. The IDEA guarantees an appropriate education, not an education that meets all of a parent’s demands. Parental disagreement to a proposed placement does not establish a denial of FAPE, so long as the proposed placement is substantively appropriate. *See Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist., v. Rowley*, 458 U.S. 176 (1982); *see also Endrew F. v. Douglas County Sch. Dist.*, 580 U.S. 386 (2017).

SUMMARY OF EVIDENCE

A closed hearing was held in Memphis, Tennessee, before Administrative Judge Leigh Thomas¹ on March 26, 2026. Petitioners represented themselves in this matter, choosing to proceed without the assistance of legal counsel. MSCS was represented by counsel Laura Bailey. The parties filed joint STIPULATED FACTS on March 23, 2026, stipulating to five facts.² In

¹ Judge Thomas is an independent and neutral administrative judge assigned by the Tennessee Secretary of State’s Administrative Procedures Division (APD) to preside over the case and to issue a final order under TENN. CODE ANN. § 4-5-314. *See* TENN. CODE ANN. § 49-10-606(a).

² Stipulated facts are identified with a parenthetical (SF) at the end of the relevant findings of fact below. The facts have been reordered for clarity, but no material or substantive change has been made.

addition, MSCS stipulated to the authenticity of 44 of Petitioners' proposed exhibits by notice filed the morning of the hearing. Twenty-seven exhibits were entered into evidence at hearing.

At the close of the proof, the parties were reminded of the following post-hearing schedule as previously agreed upon by the parties and delineated in prior orders—the transcript was due and to be filed on April 1, 2026, with a complete copy of all exhibits entered at hearing made available via secure electronic folder.³ The parties had the opportunity to file proposed findings of fact and conclusions of law, with citations to the record, by April 7, 2026, but neither party chose to do so. This FINAL ORDER is due to be issued on or before April 27, 2026.

Petitioners identified several MSCS employees as witnesses, and those witnesses were made available by MSCS and were present and ready to testify at the hearing. However, [REDACTED] elected not to call any other witnesses, and [REDACTED] was the only witness who testified at the hearing. Transcript at pp. 25-27; *see also* [REDACTED] UPDATED WITNESS LIST, filed on March 23, 2026.

PRELIMINARY MATTERS

Subject Matter Jurisdiction

This tribunal must first address whether this case is within this tribunal's subject matter jurisdiction based on the factual challenge to subject matter jurisdiction argument raised by MSCS in its trial brief. A factual challenge denies that the court or tribunal has subject matter jurisdiction even though the complaint alleges facts tending to show jurisdiction. It challenges the complaint's *factual allegations* regarding jurisdiction and “puts at issue the sufficiency of the evidence to prove facts that would bring the case within the court's subject matter jurisdiction.” *Staats v. McKinnon*, 206 S.W.3d 532, 543 (Tenn. Ct. App. 2006) (internal citations omitted). In deciding a factual challenge, the court must “take as true the allegations of the nonmoving party

³ All hearing exhibits were made available in the secure cloud folder by March 27, 2026. MSCS had difficulty receiving and filing the transcript due to IT security measures that blocked receipt by MSCS of the transcript from the court reporter. However, it was uploaded to the secure cloud folder and filed by April 2, 2026.

and resolve all factual disputes in its favor ... [without crediting] conclusory allegations or draw[ing] farfetched inferences.” *Id.*

As addressed on the record during the hearing, there were facts in dispute, which would make a factual challenge to subject matter jurisdiction inappropriate. Namely the IEP, including any alleged requirement for constant supervision by a special education teacher, was not in evidence prior to being entered as a hearing exhibit. As the contents of this IEP and whether MSCS failed to provide FAPE based on those contents were central issues, it was certainly within this tribunal's purview to hear evidence related to this disputed issue. Prior to hearing, the tribunal was unable to interpret the due process hearing request and related claims regarding denial of services under the IEP, *without access to the actual IEP*. Therefore, MSCS's factual challenge to subject matter jurisdiction was without merit and **DENIED**.

It is further noted, that despite ample opportunity to address the issue in either of two prehearing conferences, the answer, or other preliminary motion, MSCS chose to first raise a factual challenge to subject matter jurisdiction on page 6 of the trial brief filed shortly before midnight on March 23, 2026, before the March 26, 2026 hearing.⁴ This was discovered by the undersigned on the eve of the trial while reviewing the pleadings to prepare. MSCS was correct that subject matter jurisdiction cannot be waived and may be raised at any point. However, Petitioners were also entitled to the opportunity to establish that subject matter jurisdiction was appropriate. If the challenging party “filed affidavits or other competent evidentiary materials challenging the plaintiff's jurisdictional allegations, the plaintiff may not rely on the allegations of the complaint alone but instead must present evidence by affidavit or otherwise that makes out a *prima facie* showing of facts establishing jurisdiction.” *Herron v. State*, No.

⁴ As both Petitioners and MSCS were advised, filings with APD take approximately 24 hours between being filed and being available to view by the presiding judge in APD's case management system—which meant the brief was not available to the undersigned until March 25, 2026.

W201900595COAR3CV, 2021 WL 1293218, at *5 (Tenn. Ct. App. Apr. 7, 2021). Because of the late raising of the issue, Petitioners were not provided the opportunity to present any controverting evidence prior to hearing. It further bears mentioning that MSCS's trial brief referenced attachments that were not attached and could not be considered, which essentially left only MSCS's argument to consider, rather than any evidence. The missing attachments were filed by MSCS on March 30, 2026.

Involuntary Dismissal

We turn next to the motion for involuntary dismissal made by MSCS at the close of Petitioners' proof and taken under advisement during the hearing. Pursuant to TENN. R. CIV. P. 41.02 and the IDEA, an involuntary dismissal at the close of Petitioners' proof is appropriate only when Petitioners have failed, as a matter of law, to present evidence capable of establishing a denial of FAPE. IDEA claims are fact-intensive and ordinarily require a full evidentiary record addressing the adequacy of the IEP and its implementation.

Here, material factual disputes remained regarding the reasonableness of Respondent's placement efforts, whose supervision [REDACTED] was under when the injury occurred, and whether the supervision and placement efforts comported with the student's IEP and the IDEA. Information regarding these facts was, in fact, provided after MSCS's motion was taken under advisement. Resolution of these issues required both the additional testimony elicited from [REDACTED] when called as a witness by MSCS and the weighing of evidence and assessing of credibility post-hearing. Involuntary dismissal was neither warranted nor consistent with the IDEA's preference for decisions on the merits following complete development of the record. Therefore, this tribunal finds involuntary dismissal inappropriate and MSCS's motion is **DENIED**.

Alleged Retaliation Against [REDACTED]'s Sibling

A few days after the hearing on March 30, 2026, Petitioners filed a document titled PETITIONERS' NOTICE OF POST-HEARING CONDUCT RELEVANT TO PROCEEDINGS (Notice) alleging that MSCS had retaliated against [REDACTED]'s sibling, [REDACTED], on March 25, 2026. Petitioners mentioned an unspecified incident between [REDACTED] and MSCS staff. Petitioners indicated that they were submitting the information for consideration relevant to evaluating MSCS's "representations, credibility, and overall good faith."

This tribunal addresses the Notice only to clarify that this incident is outside the scope of this proceeding and does not pertain to [REDACTED], but to his sibling. This case concerns [REDACTED] only, and any information beyond what is needed to determine the issues related to [REDACTED] is inappropriate and will not be further addressed. The proof in this case has closed, and any allegations included within the Notice are disregarded for purposes of this Order.

FINDINGS OF FACT

1. [REDACTED] was enrolled as a pre-K special education student in the district during the 2025–2026 school year. (SF)
2. During the relevant period, [REDACTED] was four years old and attended [REDACTED] Elementary School. EXHIBIT 1; EXHIBIT 22.
3. [REDACTED] had an active IEP in effect during the 2025–2026 school year for the time period of May 7, 2025–May 6, 2026. (SF); *see also* EXHIBIT 1.
4. [REDACTED]'s IEP identified [REDACTED] special education disability as Autism Spectrum Disorder (ASD). (SF); *see also* EXHIBIT 1.
5. [REDACTED]'s IEP for 2025–2026 included six hours per week of Prevocational Skills Intervention and six hours per week of Academic Readiness Skills Intervention. These services

were to be provided by a preschool special education teacher in a special education setting. EXHIBIT 1; Transcript at p. 75.

6. [REDACTED]'s IEP included six 30-minute sessions per month of speech and language therapy provided by a speech-language therapist in a special education setting. EXHIBIT 1.

7. [REDACTED]'s IEP included eight 30-minute sessions per year of occupational therapy to be provided by an occupational therapist in a special education setting. *Id.*

8. [REDACTED]'s IEP indicated that he has tantrums where [REDACTED] may hit [REDACTED] throw objects, or fall to the floor. *Id.*

9. [REDACTED]'s IEP provided for the following accommodations: directions given in alternative formats (written, picture, verbal); directions given in small, distinct steps; planned or preferential seating; and rest or breaks as needed. *Id.*

10. [REDACTED]'s IEP *did not* require constant supervision by a special education teacher at all times. In the preschool special education classroom, supervision could be provided by trained and qualified personnel, including special education assistants and special education teachers. *Id.*

11. The IEP affirmatively guaranteed educational services. It did not require one-on-one or constant supervision by a certified special education teacher. *Id.*

12. [REDACTED] attended school on Thursdays and Fridays to receive his IEP hours. Transcript at p. 77. The school hours were 9:00 AM to 4:00 PM each day. Transcript at p. 91.

13. [REDACTED] was scheduled to attend school on January 9, 2026. (SF)

14. Ms. Steiner was assigned as [REDACTED]'s special education teacher during the relevant time period, including January 9, 2026. (SF)

15. On the morning of January 9, 2026, [REDACTED] had no observable injuries when [REDACTED] was dropped off at school. Transcript at pp. 35-36.

16. At some point over the course of the January 9th school day, Ms. Steiner took leave and left school early. Transcript at p. 75; EXHIBITS 17-18.

17. When [REDACTED] picked [REDACTED] up from school, she observed red marks and bruising around [REDACTED] shoulders and throat. Transcript at p. 37.

18. When she made inquiries as to what happened, she was told there was no incident report, and no one had witnessed the injury. Transcript at pp. 87-88.

19. That evening, [REDACTED] took [REDACTED] to the emergency room for examination. [REDACTED] took photos of [REDACTED] while at the emergency room. EXHIBIT 2.

20. Both the photos and the emergency room provider's notes document some red marks, scratches, and bruising around [REDACTED]'s shoulders and neck. EXHIBITS 2 and 3. In addition, there were small petechiae around [REDACTED]'s left eye and forehead. *Id.*

21. The provider's notes indicated that [REDACTED] was running around the room and laughing during assessment. EXHIBIT 3.

22. While at the emergency room, a social worker consult was made, and [REDACTED] was cleared for discharge without further investigation. It is unclear whether this consult was at [REDACTED]'s request or initiated by the hospital. EXHIBIT 4; Transcript at pp. 39-40.

23. [REDACTED] followed up with Ms. Steiner, both by messaging through Class Dojo and email, and also attempted to contact several school district employees by email. She sent emails to these employees seeking an explanation regarding how the injuries occurred and indicating that she would not return [REDACTED] to [REDACTED] Elementary School. Transcript at pp. 41-48; EXHIBITS 5 – 14; 17-18.⁵

⁵ Much of EXHIBITS 5-14 includes email threads rather than separate emails and responses. All are cited for completeness.

24. [REDACTED] did not receive a response to some of these inquiries.⁶ The responses she received she perceived as inadequate. EXHIBITS 15-16; 24-26.

25. The messages between [REDACTED] and Ms. Steiner recounted an incident where “a child got too close to him [REDACTED.] on the playground” and Ms. Steiner “as able to separate them pretty quickly.” EXHIBITS 17-18. The messages also indicated that [REDACTED] had been left with a teacher’s assistant, Mr. [REDACTED] Couch, after Ms. Steiner left at some point during the school day.⁷ *Id.*

26. Mr. Couch is a special education assistant teacher at [REDACTED] Elementary School. Transcript at pp. 83-85

27. On February 26, 2026, [REDACTED] Elementary’s principal emailed [REDACTED], confirming that there was no incident report regarding [REDACTED] EXHIBIT 13. No incident report was ever produced. *Id.*; Transcript at p. 65.

28. In addition, [REDACTED] sent requests to both Ms. Steiner and the MSCS district requesting that any video from January 9, 2026, be preserved. Transcript at p. 41; EXHIBITS 15-16.⁸

⁶ There was a known issue with MSCS’s email system and IT security measures which prevented some emails from being delivered to the intended recipient. This issue was experienced both by the parties and the judge during the course of this case. The emails may be routed to spam folders or not received at all. There is no doubt that [REDACTED] sent multiple emails, including emails indicating she had not received a response. EXHIBITS 5-14 and 24-26. However, as [REDACTED] was the only person who testified at hearing, there was no testimony from the intended recipients to show the emails were received. This is also true for the emails requesting video preservation. EXHIBITS 15-16.

⁷ As neither party elected to call any witnesses beyond [REDACTED], Ms. Steiner could not offer any testimony at the hearing regarding the alleged incident or clarify at what point in the school day [REDACTED] was left under the supervision of Mr. Couch, nor could Mr. Couch offer testimony on the incident while [REDACTED] was under his supervision.

⁸ This tribunal takes judicial notice that, based on representations by MSCS, any video footage would be limited to footage of the common areas and playground, not [REDACTED]’s classroom. Transcript at p. 85. Although the video footage was previously made available to Petitioners by zip drive with included software for viewing, the morning of the hearing she indicated she had been unable to view it. The video footage was then made available at the hearing with discussions about viewing the video footage during breaks and on the lunch hour, after hours, or prior to convening the hearing on the following day, as needed. Transcript at pp. 7-13. Ultimately, neither party actually offered the video footage into evidence, and it was not, therefore, not made part of the record or viewed by the undersigned in preparing this Order.

29. The progress reports for [REDACTED]. indicated that as of November 11, 2025, he had been absent for most of the semester, which limited opportunities for data collection and consequently limited progress toward meeting his goals. As of December 18, 2025, he was working on goals but needed more time to show improvement.⁹ EXHIBIT 20.

30. [REDACTED] made the decision not to return [REDACTED] to school after the January 9, 2026 incident.

31. On February 11, 2026, [REDACTED]. filed a due process hearing request, alleging that [REDACTED] had been denied FAPE. *See* DUE PROCESS HEARING COMPLAINT.

32. [REDACTED]. officially withdrew [REDACTED]. from school on March 1, 2026. Transcript at p. 67; EXHIBIT 27.

33. The parties participated in a resolution session during which an alternative placement was discussed. However, [REDACTED] requested additional accommodations for [REDACTED]. that the school system could not provide. Among those accommodations requested was that [REDACTED]. be under constant video surveillance while at school. Transcript at pp. 85-87.

34. In addition to constant video surveillance, [REDACTED]. wanted documentation of everything related to [REDACTED]. including “whether he fell, skipped, coughed.” Transcript at p. 89.

APPLICABLE LAW AND ANALYSIS

Congress conferred jurisdiction of a student’s IDEA claims upon administrative law judges. 20 U.S.C. § 1415(f)(3)(A). The presiding administrative judge has jurisdiction over the claims and parties and the authority to issue final orders. *See* TENN. COMP. R. & REGS. 0520-01-09-.18 (2023); *see also* TENN. CODE ANN. § 49-10-101.

⁹ Although outside of the relevant time period, the progress reports note efforts to reach K.H. IEP goals. Likewise, the daily sheets provided include dates outside of the relevant time period. EXHIBIT 23. There was no requirement in K.H.’s IEP that a daily sheet be provided for each day of attendance. EXHIBIT 1.

The appealing party has the burden of proof. *See Schaffer v. Weast*, 546 U.S. 49, 51 (2005) (party seeking relief has the burden of proof); TENN. COMP. R. & REGS. 1360-04-01-.02(3) and (5). Here, Petitioners are the appealing party and bear the burden of proof. *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). Petitioners must prove, by a preponderance of the evidence, that the allegations should be resolved in their favor and that they are entitled to the relief sought.

FAILURE TO FOLLOW IEP

Petitioners allege that MSCS failed to properly follow [REDACTED]'s IEP, which resulted in the denial of FAPE based on [REDACTED] disability-mandated requirements. The IDEA ensures that “all children with disabilities have available to them FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” 20 U.S.C. § 1400(d)(1)(A). FAPE must be made available to all children between the ages of three and 21. 34 C.F.R. § 300.101.

As explained by the U. S. Supreme Court, the IDEA requires the relevant school system to provide “personalized instruction with sufficient support services to permit the child to *benefit educationally* from that instruction.” *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cnty. v. Rowley*, 458 U.S. 176, 203 (1982) (emphasis added). The Court later clarified this language in the *Endrew F.* case, requiring that a school “offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.” *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 399 (2017).

FAPE does not require school districts to offer “every special service necessary to maximize each handicapped child’s potential... .” *Rowley* at 199; *see also Endrew F.* at 1001. “The IEP must aim to enable the child to make progress. After all, the essential function of an

IEP is to set out a plan for pursuing academic and functional advancement.” *Endrew F.* at 999. “A focus on the particular child is at the core of the IDEA. The instruction offered must be ‘*specially designed*’ to meet a child’s ‘*unique need*’ through an ‘[i]ndividualized education program.’... 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. *Id.* (internal citations omitted) (emphasis in original); *see also* 20 U.S.C. §§ 1414(d)(1)(A)(i)(I)-(IV), (d)(3)(A)(i)-(iv).

There is no allegation that [REDACTED] was denied the opportunity to offer input in developing [REDACTED]’s IEP. It is obvious that [REDACTED] was actively involved in the IEP process and ensuring [REDACTED] received the needed services. However, Petitioners interpret [REDACTED]’s IEP as requiring constant supervision by a special education teacher. This requirement was neither included in [REDACTED]’s IEP nor required for [REDACTED] to *benefit educationally*. The IDEA does not presume that constant teacher supervision is required *unless the child’s documented needs* make that necessary for access to education. Here, there are no allegations that [REDACTED] was being denied any of the services required under [REDACTED] IEP: six hours per week each of both Prevocational Skills Intervention and Academic Readiness Skills Intervention provided by a preschool special education teacher; six 30-minute sessions per month of speech and language therapy provided by a speech-language therapist; and eight 30-minute sessions per year of occupational therapy to be provided by an occupational therapist. There is no evidence that [REDACTED] was not receiving the required services from the required teacher or therapist.¹⁰ There is no evidence that [REDACTED]’s IEP during the relevant time period failed to be reasonably calculated to allow [REDACTED] to make progress in light of his unique

¹⁰ Had [REDACTED] not been provided these services, or other services required under his IEP, there would be a denial of FAPE. *See Woods v. Northport Pub. Sch.*, 487 F. App’x 968 (6th Cir. 2012) (where failure to provide autistic student time with a special education teacher and consultation services with an autism intervention specialist, *as required by his IEP*, denied him FAPE).

circumstances. There is no allegation or evidence that required services were withheld, educational goals were ignored, or that [REDACTED] was not making progress. There is no allegation that [REDACTED] required constant supervision by a special education teacher to meet any educational goals.

[REDACTED]'s testimony that [REDACTED] had no injuries when dropped off at school the morning of January 9, 2026, and had observable injuries when picked up that afternoon is credible. However, while credible, the facts established by [REDACTED] are not actionable under the IDEA. While it is certainly regrettable that [REDACTED] suffered minor injuries while at school, this tribunal cannot find that it was the result of a failure to follow [REDACTED]'s IEP or a denial of FAPE. Therefore, Petitioners did not meet their burden of proof to establish MSCS failed to follow [REDACTED]'s IEP resulting in a denial of FAPE.

APPROPRIATE EDUCATIONAL PLACEMENT

MSCS offered several options for appropriate educational placement when [REDACTED] determined [REDACTED] would not be returning to [REDACTED] Elementary School. However, none of the alternatives met [REDACTED]'s requirements of constant video surveillance and essentially the documentation of every moment of [REDACTED]'s school day. The IDEA does not require regular education instructors to devote all or most of their time to one child or to “modify the regular education program beyond recognition.” *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1048–49 (5th Cir. 1989). Parents “are not entitled to prescribe or require a specific desired methodology” that must be adopted and implemented by an IEP team. *Renner v. Bd. of Educ. of Pub. Sch. of City of Ann Arbor*, 185 F.3d 635, 645 (6th Cir. 1999).

Certainly, portions of [REDACTED]'s testimony when describing the ideal placement veered into hyperbole, particularly her suggestion that [REDACTED] be constantly under video surveillance and wanting documentation of any time [REDACTED] “fell, skipped, or coughed.” But even setting aside the

hyperbole, it is clear [REDACTED]'s demands are well in excess of what is required under the IDEA. MSCS is under no obligation to meet all of [REDACTED]'s needs; only [REDACTED]'s needs, as delineated by [REDACTED] IEP. Based on the limited evidence in the record, there is no evidence of denial of FAPE by failure to provide an appropriate educational placement.

REQUESTED RELIEF

Petitioners made six requests for relief within the due process claim, a full list of which can be found in the Due Process Hearing Request, and are summarized below.

1. *A finding that MSCS failed to implement [REDACTED]'s IEP by providing qualified supervision leading to a denial of FAPE.* As addressed above, this tribunal finds no such denial of FAPE.

2. *An order requiring MSCS to provide compensatory education services and instructional time lost as a result of the denial of FAPE.* Finding no denial of FAPE, and that [REDACTED] voluntarily withdrew [REDACTED] from [REDACTED] Elementary School, compensatory services are not appropriate. In addition, Petitioners provided no proof at trial regarding what compensatory services [REDACTED] might need or be entitled to.

3. *An order for a safe, appropriate educational placement, including placement outside the current school, if necessary, to ensure [REDACTED]'s safety and access to education.* While recognizing that [REDACTED]'s demands exceed what is required for an appropriate educational placement, [REDACTED] is encouraged to continue discussions with MSCS.

4. *An Independent Education Evaluation and any other necessary assessment related to trauma, behavioral impact and educational needs resulting from the January 9, 2026 incident.* No evidence on this issue was offered at hearing; therefore, this tribunal finds this relief beyond the scope of this proceeding and waived.

5. *Development and implementation of a corrective action plan, including staff training and safeguards to ensure compliance with [REDACTED]'s IEP and prevent recurrence.* As there is no evidence of lack of compliance with [REDACTED]'s IEP, this relief is unwarranted.

6. *Any other relief deemed appropriate.* No relief is deemed appropriate.

CONCLUSIONS OF LAW

1. Petitioners did not meet their burden of proof to establish failure of MSCS to follow [REDACTED]'s IEP or a resulting denial of FAPE.

2. Petitioners did not meet their burden of proof to establish that MSCS failed to provide an appropriate educational placement.

3. Petitioners did not meet the burden of proof to show they are entitled to any requested relief.

4. MSCS is the prevailing party on all claims.

POLICY STATEMENT

The policy reason for this decision is to uphold the federal and state laws pertaining to the education of children with disabilities.

It is so **ORDERED**.

This FINAL ORDER entered and effective this the **17th day of April 2026**.


LEIGH THOMAS
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

██████ THE PARENT AND ██████, THE STUDENT V.
MEMPHIS-SHELBY COUNTY 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 **April 17, 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 **May 4, 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 16, 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 16, 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 24, 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. 07.03-260805J

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NOTICE OF APPEAL PROCEDURES

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