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May 26, 2026

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RE: [REDACTED], THE STUDENT AND [REDACTED], THE PARENT V. CARTER COUNTY SCHOOLS,
APD Case No. 07.03-261328J

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.

CARTER COUNTY SCHOOLS,
Respondent.

APD Case No. 07.03-261328J

FINAL ORDER

On March 11, 2026, the Petitioners, ■, the student, and ■, the parent, provided the Respondent, Carter County Schools, with a due process complaint under the Individuals with Disabilities in Education Act (IDEA). On May 8, 2026, the contested case was heard in Carter County, Tennessee, before Administrative Judge Mark Garland.¹ ■ represented the Petitioners, waiving the right to legal counsel. Attorney Scott Bennett represented the Respondent.

ISSUE AND DETERMINATION

The issue presented is whether the Petitioners have proven by a preponderance of the evidence that the Respondent failed to provide ■ with a free appropriate public education (FAPE) in the in the least restrictive environment (LRE) when the Individualized Education Program (IEP) team chose to move ■ from a general education classroom to a more restrictive behavioral classroom without first offering a one-on-one aide and preparing a functional behavioral assessment (FBA). Based on the evidence presented, it is determined that the

¹ Judge Garland is an independent and neutral adjudicator assigned by the Tennessee Secretary of State, Administrative Procedures Division (APD) to preside over the case and render a Final Order pursuant to TENN. CODE ANN. § 49-10-606.

Respondent did not deny [REDACTED] a FAPE and that the Petitioners failed to carry their burden of proof.

SUMMARY OF EVIDENCE

[REDACTED] and [REDACTED] Jones testified on the Petitioners' behalf. Three (3) witnesses testified on behalf of the Respondent: Dr. Tiffany Jenkins, Special Education Director; Barbara Marek, Behavioral Specialist; and [REDACTED] Principal of [REDACTED] Elementary School. Nineteen (19) exhibits were entered into evidence.

FINDINGS OF FACT

[REDACTED] is a bright, creative, and energetic [REDACTED]-year-old [REDACTED]. [REDACTED] is capable of performing at or above grade level academically, and [REDACTED] already reads at a [REDACTED]-grade level. In August 2025, [REDACTED] enrolled in kindergarten at [REDACTED] Elementary. Upon enrolling, [REDACTED] displayed disruptive behaviors most days, including running around and out of the classroom, refusing to participate in class activities, screaming, swatting at others, and spitting in others' faces.

In October 2025, the Respondent identified [REDACTED] as a student with developmental delays in social, emotional, and adaptive behaviors. An IEP was developed to begin addressing [REDACTED]'s needs. This IEP included 60 minutes per day of social/emotional/adaptive intervention, rest breaks, and a reduced school day, with the goal of working toward a full school day. Although not listed on the IEP, the Respondent moved Ms. [REDACTED] Davis, an assistant from the [REDACTED] room, into [REDACTED] classroom to serve as a one-on-one aide. Ms. Davis, who was not trained in special education or behavioral intervention, met with the district's behavioral specialist, Barbara Marek, at least weekly to discuss and develop strategies to address [REDACTED]'s behaviors. Despite these efforts, [REDACTED]'s behaviors continued, and [REDACTED] was unable to stay at school for a full school day.

On November 21, 2025, the IEP team reconvened. During the meeting, [REDACTED] suggested that a one-on-one aide might be beneficial for addressing [REDACTED]'s behaviors. [REDACTED] behaviors at this time included refusing to participate in class activities, yelling, running around or out of the classroom, throwing tantrums, and spitting on the floor. School staff suggested that [REDACTED] be moved to a behavioral classroom at [REDACTED] Elementary; however, [REDACTED] was opposed to this suggestion. [REDACTED]'s grandmother, [REDACTED] Jones, was called during this IEP meeting. Ms. Jones encouraged [REDACTED] to consider placement in the behavioral classroom or at least learn more about that option. [REDACTED] requested additional information about the behavioral classroom, and the IEP team agreed to reconvene in December. During the December 5, 2025 IEP meeting, the team again discussed placement in the behavioral classroom, but [REDACTED] still opposed this suggestion. Therefore, the IEP team agreed to move [REDACTED] to [REDACTED] Elementary because it was a smaller school with ample adults available to assist [REDACTED]

At [REDACTED] [REDACTED] continued to receive the services outlined in [REDACTED] IEP. [REDACTED] again suggested a one-on-one aide, although the [REDACTED] class had three adults present at all times – a teacher, a student teacher, and a teacher's aide. The principal, assistant principal, and other staff were also available to assist with [REDACTED] if needed. School staff developed a schedule so that everyone would know who was available to assist with [REDACTED] throughout the day. School staff also utilized the Carter County Schools Behavioral Response Script/Crisis Intervention Plan when needed. This plan is used throughout the district and is not individualized for [REDACTED] The plan has five levels, with level one being ideal for learning, and level five involving physical aggression. Principal [REDACTED] credibly testified that [REDACTED] was usually at level three or four, and sometimes five.

[REDACTED]'s behaviors included climbing and jumping on tables, throwing objects (pencils, pencil boxes, shoes, socks), destroying property (ripping up student work, tearing art off walls),

physical aggression (hitting, scratching, biting, spitting at staff and students), elopement (leaving the classroom, running in hallways), screaming, running, and dysregulation. According to the behavioral dashboard prepared by [REDACTED] based on behaviors documented by school staff between December 10, 2025, and March 2, 2026, [REDACTED] had 416 documented behavioral incidents across 23 school days at Central, averaging about 18 behavioral incidents per day.

Ms. Marek credibly testified that, based on those numbers, [REDACTED] participated in class activities only 44% of the time and spent less than 25% of [REDACTED] time on direct instruction due to frequent classroom removals for behavioral incidents. Staff implemented various interventions, including calming corners, sensory items, modified schedules, and preferred activities, but these were unsuccessful in reducing the frequency or intensity of [REDACTED]'s behaviors. Ms. Marek noted that [REDACTED] would become frustrated with familiar adults; therefore, multiple adults rotated in and out to support [REDACTED], depending on who [REDACTED] favored that day. Sometimes, [REDACTED] would elope from the classroom and run around the halls. The frequency and seriousness of [REDACTED]'s behaviors caused Principal [REDACTED] to move from his office to a rolling cart in the hallway near [REDACTED]'s classroom for safety reasons. [REDACTED]'s behaviors adversely affected other students, causing fear, loss of instructional time, and the development of copycat behaviors. At times, the other students had to "evacuate" the classroom because of [REDACTED]'s behavior.

Ms. Marek worked with school staff to develop a student support plan to identify the causes of [REDACTED]'s behaviors. However, due to the frequency and length of [REDACTED]'s behavioral incidents, school staff were unable to document in real time the antecedents, behaviors, and consequences (ABCs) necessary to develop a meaningful FBA. Instead, staff did their best to document everything at the end of the day, which caused Ms. Marek to question the reliability and accuracy of that data. The IEP team was unable to identify the root causes of [REDACTED]'s behaviors, and a formal FBA was not completed. The IEP team considered using a one-on-one

aide at [REDACTED] but decided against it, given the previous lack of success with Ms. Davis at [REDACTED] and [REDACTED]'s ever-changing preferences for or against different adults.

On February 12, 2026, a brief IEP team meeting was held, where school staff again suggested placement in the behavioral classroom at [REDACTED]. However, no action was taken pending the results of [REDACTED]'s occupational therapy (OT) evaluation. When the OT evaluation was completed, it showed that [REDACTED] did not need OT services, although [REDACTED] did display some proprioceptive or sensory-related behaviors, such as rolling [REDACTED] tightly into a rug, spinning in chairs, chewing non-food items, licking walls, and hiding under tables. Another IEP team meeting was held on March 2, 2026. During this meeting, the IEP team decided, against [REDACTED]'s wishes, to move [REDACTED] to the behavioral classroom at [REDACTED]. Despite this decision, the record shows that [REDACTED]'s parents, especially [REDACTED], have meaningfully participated in the development of [REDACTED]'s IEP.

During her time at [REDACTED], [REDACTED] has occasionally demonstrated the ability to behave appropriately and self-regulate. For example, the anecdotal notes reflect that on January 23, 2026, [REDACTED] had a 'great day' from 8:00 to 10:20 a.m.; on February 9, 2026, [REDACTED] de-escalated independently and asked to return to class; on February 26, 2026, [REDACTED] walked into the hallway to find and apologize to a staff member after an incident. Furthermore, on April 6 and 7, 2026 — the first two school days after spring break — [REDACTED] attended full school days and rode the bus home independently on both days. Nevertheless, Ms. Marek testified that [REDACTED] is likely triggered by the school environment itself—work demands, transitions, interactions with others, and so on. Ms. Marek credibly testified that these environmental factors cannot be controlled in the general education setting at [REDACTED] however, they can be controlled in the behavioral classroom at [REDACTED]. The behavioral classroom is more restrictive than the general education classroom at [REDACTED] however, it provides a controlled environment that can be readily modified to more

easily identify triggers of [REDACTED]'s behaviors and the actions that best resolve them. In other words, it provides a better environment for collecting the ABCs necessary to develop an effective FBA and Behavioral Intervention Plan (BIP). Additionally, on February 27, 2026, [REDACTED] was diagnosed with Oppositional Defiant Disorder (ODD), but the Respondent was not aware of this diagnosis until it was disclosed in the course of this appeal.

APPLICABLE LAW

1. Administrative judges with the Administrative Procedures Division, Tennessee Department of State, are bestowed jurisdiction to determine whether a student's rights have been violated under the IDEA and related state law. TENN. CODE ANN. § 49-10-606(a) and TENN. COMP. R. & REGS. 0520-01-09-.18.

2. As the party “seeking relief,” Petitioners bear the burden of proof in this matter to show, by a preponderance of the evidence, that the Respondent violated the IDEA. *Schaffer v. Weast*, 546 U.S. 49, 51 (2005), *Doe v. Sumner Cty. Bd. of Educ.*, 2020 WL 5797980 (M.D. Tenn. Sept. 29, 2020).

3. The findings of fact shall include a determination by the administrative judge regarding meaningful participation by the parent in the development of the IEP for the student. TENN. CODE ANN. § 49-10-606(e).

4. The IDEA requires the Respondent to provide all students with disabilities who are in need of special education and related services a “FAPE” in the “least restrictive environment.” 20 U.S.C. § 1400, *et seq.*

5. The Respondent is required to identify students suspected of having a disability who are “in need of” special education and related services. 20 U.S.C. § 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).

6. In developing educational programs and determining appropriate services for students through an IEP, school districts must comply with the substantive and procedural requirements of the IDEA and related state law. *Bd. of Educ. of the Hendrick Hudson School Dist. v. Rowley*, 458 U.S. 176, 182 (1982).

7. A student's IEP comports with the IDEA if it is “reasonably calculated to enable the child to receive educational benefits.” *Board of Educ. v. Rowley*, 458 U.S. 176, at 207, 102 S.Ct. 3034, 3051 (1982).

8. For a district to substantively offer FAPE for a child not fully integrated into the general education setting, an IEP must be reasonably calculated to enable the child to make progress appropriate to his circumstances. *Andrew F. v. Douglas County Schools*, 137 S. Ct. 988, 999 (2017). An IEP should be “constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth.” *Id.* at 999. The student's progress must be more than *de minimis*. *Id.* at 1000.

9. The Respondent is charged with providing the student with “the educational equivalent of a serviceable Chevrolet,” but “is not required to provide a Cadillac.” *Doe v. Tullahoma City Schools*, 9 F.3d 455, 459-60 (6th Cir. 1993).

10. The Respondent is further charged with providing the student a FAPE in the LRE, or what is commonly referred to as mainstreaming. Despite the preference for mainstreaming, a student may be segregated from the general education setting when: (1) the student would not benefit from regular education; (2) any regular-class benefits would be far outweighed by the benefits of special education; or (3) the student would be a disruptive force in the regular class. *Roncker on Behalf of Roncker v. Walter*, 700 F.2d 1058, 1063 (6th Cir. 1983).

11. In *Roncker*, *supra*, the Sixth Circuit has described the LRE obligation under the IDEA as follows:

The Act does not require mainstreaming in every case but its requirement that mainstreaming be provided to the maximum extent appropriate indicates a very strong congressional preference. The proper inquiry is whether a proposed placement is appropriate under the Act. In some cases, a placement which may be considered better for academic reasons may not be appropriate because of the failure to provide for mainstreaming. The perception that a segregated institution is academically superior for a handicapped child may reflect no more than a basic disagreement with the mainstreaming concept. Such a disagreement is not, of course, any basis for not following the Act's mandate. In a case where the segregated facility is considered superior, the court should determine whether the services which make that placement superior could be feasibly provided in a non-segregated setting. If they can, the placement in the segregated school would be inappropriate under the Act.

12. The Respondent cannot ignore its LRE obligations because it is challenging or burdensome. The Sixth Circuit has stated as follows:

We have held that a school district cannot prevail in an LRE case merely on the grounds that it believes mainstreaming is impossible, impractical, or counterproductive because the situation became challenging. *Knox Cnty., Tennessee v. M.Q.*, 62 F.4th 978, 994 (6th Cir. 2023) (Internal citations omitted).

13. The IDEA does not afford relief for minor procedural violations alone. A determination of whether a student received FAPE must be based on substantive grounds. 34 C.F.R. § 300.513(1).

14. 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).

15. 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), *Bd. of Educ. of Fayette County, Ky. v. L.M.*, 478 F.3d 307, 313 (6th Cir. 2007).

16. The Respondent is required to give the parent prior written notice (PWN) when it either proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. 34 C.F.R. § 300.503(a).

17. Tennessee statutes and regulations require the assessment (via an FBA) of a student's behaviors when there is a pattern of behavior that impedes the learning of others. TENN. COMP. R. & REGS. 0520-01-09-.24. However, Tennessee does not require an FBA prior to proposing a more restrictive setting when there is a "pattern of behavior that places the student or others at risk of harm or injury." TENN. COMP. R. & REGS. 0520-01-09-.24(11).

ANALYSIS

As a threshold matter, it is undisputed that [REDACTED] is an individual entitled to protection under the IDEA due to [REDACTED] disability of developmental delays in social, emotional, and adaptive behaviors. Thus, the Respondent is generally required to provide [REDACTED] with a FAPE in the LRE. 20 U.S.C § 1412(a)(5)(A). The Petitioners allege that the Respondent failed to do so because the IEP team chose to remove [REDACTED] from a general education classroom at [REDACTED] to a more restrictive behavioral classroom at [REDACTED] without first offering a one-on-one aide or preparing an FBA. The Petitioners also allege certain procedural violations. Each claim will be addressed in turn.

Exhausting Supplementary Aides and Services

First, the Petitioners cite *Roncker v. Walter*, 700 F.2d 1058 (6th Cir. 1983) for the proposition that the Respondent must exhaust all supplementary aids and services before moving [REDACTED] to a more restrictive environment. As the *Roncker* court noted: "In a case where [a more restrictive environment] is considered superior, the court should determine whether the services which make that placement superior could be feasibly provided in a [general education] setting."

Id. at 1063. Thus, the Petitioners contend that the Respondent should have provided a one-on-one aide before deciding to move [REDACTED] to the behavioral classroom at [REDACTED]

However, the evidence is unclear about what a one-on-one aid could do for [REDACTED] at this stage. [REDACTED] does not have physical or medical needs that require one-on-one support.² The Petitioners presented no expert testimony as to how a one-on-one aide would benefit [REDACTED]. The one-on-one assistance from Ms. Davis at [REDACTED] did not improve [REDACTED]'s behavior. Moreover, at [REDACTED] [REDACTED] often became frustrated with familiar adults, necessitating frequent personnel changes to alleviate [REDACTED] frustration, which led to multiple adults rotating in and out to support [REDACTED]. Certainly, the Respondent should provide a one-on-one aide if [REDACTED] needs that service, and the Respondent indicated that it is willing to do so if needed. The evidence simply does not support the need for a one-on-one aide at this time.

The IDEA “does not say that schools must actually try supplementary aids and services before removing children from regular classes. Instead, the IEP team must simply look into whether supplements could be used instead of separate schooling.” *I.L. v. Knox Cnty. Bd. of Educ.*, 257 F. Supp. 3d 946, 980 (E.D. Tenn. 2017) (internal citations omitted). In *I.L.*, the court noted that the school district met this burden by attempting several supplemental aids and services. *Id.* Similar to *I.L.*, the Respondent tried numerous supplemental aids and services, including one-on-one assistance, rotating adult assistance, calming corners, sensory items, modified schedules, preferred activities, role play, and other techniques. None of these aids or services proved effective for [REDACTED] in the general education setting. Thus, similar to *I.L.*, the Respondent met its burden by attempting several supplemental aids and services before the IEP team elected to move [REDACTED] to the more restrictive behavioral classroom.

² See *Cedar Rapids Cmty. Sch. Dist. v. Garret F.*, 526 U.S. 66 (1999) (holding that the school district must provide continuous nursing services for a quadriplegic, ventilator-dependent student).

The FBA

Second, the Petitioners contend that the Respondent's failure to prepare an FBA resulted in a denial of FAPE. An FBA must be prepared when a student exhibits a pattern of behaviors that impede learning, places the student or others at risk or harm or injury, or when the IEP team is considering a more restrictive placement due to the student's behavior. TENN. COMP. R. & REGS. 0520-01-09-.24(3). The evidence shows that [REDACTED] has a pattern of behaviors that impedes [REDACTED] learning and the learning of others. The evidence also shows that [REDACTED]'s behaviors are sometimes aggressive, placing [REDACTED] and other students at risk of harm. Clearly, [REDACTED] needs an FBA, and ideally, the Respondent would have already prepared one. However, for an FBA to be effective, it must be based on accurate data.

Ms. Marek credibly testified that the frequency and duration of [REDACTED]'s behaviors made it difficult for staff to record in real time the ABCs necessary to create an effective FBA. For this reason, staff often recorded their observations at the end of the school day, casting doubt on the accuracy of the ABC data. Nevertheless, Ms. Marek did use this data and input from staff and parents to create a working student support plan. Additionally, the evidence shows that [REDACTED] may be triggered by the school environment itself, and these environmental factors cannot be controlled in the general education setting, which limits the Respondent's ability to identify [REDACTED]'s triggers. This is further complicated by [REDACTED]'s numerous absences³ and [REDACTED] changing preferences for or against different adults. Considering all of this, if the Respondent had prepared an FBA under these circumstances, it would have amounted to merely checking the box. It would likely not have resulted in a quality FBA that would truly benefit [REDACTED]. The parties would agree that [REDACTED] deserves better than that.

³ [REDACTED] was present approximately 28 days, or approximately five weeks, between January and March 2026.

Pursuant to TENN. COMP. R. & REGS. 0520-01-09-.24(11), the Respondent may temporarily move a student to a more restrictive environment to conduct an FBA if the student has “a pattern of behaviors that place the student or others at risk of harm or injury.” This regulation states:

In a situation where a student has engaged in a pattern of behavior that places the student or others at risk of harm or injury, the IEP team may immediately adjust the student’s least restrictive environment in accordance with the Individuals with Disabilities Education Act (IDEA) without first conducting an FBA or BIP. In such cases, the IEP team must ensure the FBA is conducted and BIP is implemented, including in the appropriate environment, and the student’s IEP is revised to include a goal of returning the student to a less restrictive environment, as appropriate.

If a student is removed under this rule, an FBA must be conducted with the goal of returning the student to the least restrictive environment as quickly as possible. This is consistent with *Roncker*, which noted that a student who is “a disruptive force” may need to be removed from the general education setting. 700 F.2d at 1063; *see also I.L.*, 257 F. Supp. 3d at 970, 986-87 and *M.Q. v. Knox County Schools*, 62 F.4th 978, 997 (6th Cir. 2023).⁴ Relying on *Roncker*, the *I.L.* court concluded that a student was a disruptive force because she: pulled hair, hit and spit on students and staff, threw scissors and other objects, caused classmates to become anxious, required the assistance of multiple adults, was a constant distraction in class, and required significantly more of the teacher’s attention than other students received. *Id.* at 987-88. Similar to the student in *I.L.*, [REDACTED] has scratched, hit, bitten, and spat on students and staff. [REDACTED] has thrown pencils, shoes, and other objects. [REDACTED] has destroyed student art and classwork. [REDACTED] has screamed, ran around the classroom, and eloped from it. [REDACTED] has required assistance from numerous adults and caused the principal to move from [REDACTED] office to a rolling cart near [REDACTED]

⁴ The Petitioners cite *M.Q.* for the proposition that excluding a student from general education is improper; however, the student in *M.Q.* was not a disruptive force, and the court did not discuss the disruptive force prong from *Roncker*.

classroom. At times, other students have had to evacuate the classroom because of [REDACTED]'s behavior. Given the frequency,⁵ duration, and nature of these behaviors, they undoubtedly disrupt the learning environment. Accordingly, while [REDACTED] is bright, energetic, and creative, [REDACTED] is also a "disruptive force." Therefore, consistent with *Roncker, I.L.*, and TENN. COMP. R. & REGS. 0520-01-09-.24(11), the IEP team's decision to move [REDACTED] to the behavioral classroom for the collection of accurate ABCs and the creation of a quality FBA to help [REDACTED] was appropriate. The controlled environment of the behavioral classroom can be readily modified to more easily identify triggers of [REDACTED]'s behaviors and the actions that best resolve them. In other words, it provides a better environment for collecting the ABCs necessary to develop an effective FBA and BIP, which will increase [REDACTED]'s likelihood of success when [REDACTED] returns to the LRE.

Predetermination

Next, the Petitioners assert that [REDACTED]'s placement in the behavioral classroom was predetermined. Although the Respondent suggested placement in the behavioral classroom at several IEP meetings, it also meaningfully considered parental input and tried other alternatives, such as moving to [REDACTED] before the IEP team elected to place [REDACTED] in the behavioral classroom. Therefore, the evidence shows that the Respondent did not predetermine [REDACTED]'s placement. *See Deal v. Hamilton County Bd. of Educ.*, 392 F.3d 840, 857 (6th Cir. 2004) (noting that predetermination only occurs when educators make up their minds about a strategy without first considering meaningful parental input or other available data).

Procedural Issues

Finally, the Petitioners raise two procedural issues: failure to provide prior written notices and contradictions within the IEP. Regarding the IEP, the parties agree that [REDACTED]'s IEP is incorrect to the extent that they answered "no" to the question six, which asks "Does the student

⁵ An average of 18 incidents per day.

exhibit a pattern of behaviors that impede their learning or that of others?” and question seven, which asks, “Does the student exhibit a pattern of behavior that places the student or others at risk of harm or injury?” Dr. Jenkins testified that these questions were answered in the negative due to a “quirk” in the system that precludes completion of the IEP document if either of these questions is answered “yes” and an FBA is not in place. Additionally, the Petitioners assert that they did not receive the prior written notices dated December 5, 2025, and January 22, 2026. Relief under the IDEA for a procedural violation is only appropriate if the procedural violation impedes the student’s right to FAPE, impedes the parent’s opportunity to participate in the IEP process, or deprives the student of an educational benefit. 34 C.F.R. § 300.513(2); *see also Knable v. Bexley City Sch. Dist.*, 238 F.3d 722, 764 (6th Cir. 2001). Even assuming that the Petitioner’s procedural allegations are true, they did not impede FAPE or the parent’s role in the IEP process, nor did they deprive N.T. of an educational benefit.

CONCLUSIONS OF LAW

1. ■■■ is an individual entitled to protection under the IDEA due to ■■■ disability, and the Respondent is subject to the requirements of the IDEA.

2. The Petitioners failed to establish that ■■■ needs a one-on-one aide at this time. Therefore, the lack of a one-on-one aide does not constitute a denial of a FAPE. *See Andrew F.*, 137 S. Ct. at 999 (noting that the IEP need only be reasonably calculated to enable progress appropriate to her circumstances) and *Doe*, 9 F.3d at 459-60 (noting that the Respondent is not required to “provide a Cadillac”); *see also I.L.*, 257 F. Supp. 3d at 980.

3. While ■■■ is bright, energetic, and creative, ■■■ is also a “disruptive force.” Therefore, consistent with *Roncker, I.L.*, and TENN. COMP. R. & REGS. 0520-01-09-.24(11), the IEP team’s decision to move ■■■ to the behavioral classroom for the collection of accurate ABCs and the creation of a quality FBA to help ■■■ was appropriate. This more restrictive

setting will allow the Respondent to develop an effective FBA and BIP, thereby increasing ■■■'s likelihood of success when ■■■ returns to the LRE.

4. The Respondent did not predetermine ■■■'s placement. *See Deal*, 392 F.3d at 857. Rather, the IEP team elected to place ■■■ in the more restrictive behavioral classroom for a limited time only after meaningfully considering the parents' input and trying other options.

5. The procedural allegations raised by the Petitioners did not impede FAPE or the parent's role in the IEP process, nor did they deprive ■■■ of an educational benefit; therefore, the Petitioners are entitled to no relief on procedural grounds. 34 C.F.R. § 300.513(2); *see also Knable*, 238 F.3d at 764.

6. It is **CONCLUDED** that the Petitioners failed to carry their burden of proof by a preponderance of the evidence. *Schaffer*, 546 U.S. at 51.

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

8. It is **CONCLUDED** that, consistent with the IEP team's determination, ■■■ shall be placed in the behavioral classroom⁶ for up to 45 days to allow for the real-time collection of ABCs and development of an appropriate FBA and BIP. Any day that ■■■ is absent shall not count toward the 45 days. Additionally, the Respondent shall not extend N.T.'s placement in the behavioral classroom beyond 45 days without first convening the IEP team to determine whether such an extension is necessary, and ■■■'s IEP shall be modified to include a goal to return to the LRE as soon as appropriate, as required by TENN. COMP. R. & REGS. 0520-01-09-.24(11). While developing an FBA and BIP, the Respondent shall take ■■■'s new ODD diagnosis into consideration and shall also reevaluate ■■■ for OT services given ■■■ sensory-seeking behaviors.

⁶ It is understood that the behavioral classroom may be moved to ■■■ for the upcoming school year.

The policy reasons for this decision are to uphold state and federal laws pertaining to the education of children with special needs.

It is so **ORDERED**.

This FINAL ORDER entered and effective this the **26th day of May 2026**.



MARK GARLAND

ADMINISTRATIVE JUDGE

ADMINISTRATIVE PROCEDURES DIVISION

OFFICE OF THE SECRETARY OF STATE

■■■■, THE STUDENT AND ■■■■, THE PARENT V.
CARTER 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 **May 26, 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 **June 10, 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 **July 27, 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 **July 27, 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 **June 2, 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. 07.03-261328J

**██████, THE STUDENT AND ██████, THE PARENT V.
CARTER COUNTY SCHOOLS**

NOTICE OF APPEAL PROCEDURES

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