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June 9, 2026

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**RE: [REDACTED], THE STUDENT AND [REDACTED], THE PARENT V. MEMPHIS-SHELBY COUNTY
SCHOOLS, APD Case No. 07.03-261676J**

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. 07.03-261676J

FINAL ORDER

This matter came to be heard on May 18 and 19, 2026, via Webex before Steve R. Darnell, Administrative Law Judge, assigned by the Tennessee Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Department of Education. Petitioners, ■, the student, and ■, the parent, are not represented by counsel. ■ participated in the hearing and represented ■'s interest. Attorney Laura Bailey represented the Memphis Shelby County Schools (MSCS).

ISSUE PRESENTED

Did Petitioners show, by a preponderance of the evidence, that MSCS failed to provide ■ a free appropriate public education (FAPE) in violation of the Individuals with Disabilities Education Act (IDEA)?

SUMMARY OF DETERMINATION

Petitioners failed to show, by a preponderance of the evidence, that MSCS failed to provide ■ a FAPE. Specifically, Petitioners raise the same issues in this due process complaint that they raised in their February 11, 2026, due process complaint. Petitioners failed to carry their burden of proof in their first due process complaint, and it was dismissed. The

doctrine of *res judicata* bars Petitioners from relitigating these same issues. Applying the doctrine of *res judicata*, Petitioners' due process complaint is **DISMISSED**.

Notwithstanding the doctrine of *res judicata*, Petitioners failed to carry their burden of proof and show, by a preponderance of the evidence, that MSCS failed to provide [REDACTED] a FAPE. Petitioners' proof consisted of Ms. [REDACTED]'s testimony and the testimonies of [REDACTED]'s special education providers and other MSCS employees. None of this proof showed that MSCS denied [REDACTED] a FAPE. To the contrary, the testimony of [REDACTED]'s providers and MSCS employees shows that MSCS did provide [REDACTED] a FAPE. This determination is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. [REDACTED] is a [REDACTED]-year-old student enrolled in MSCS. [REDACTED] is diagnosed with spectrum autism disorder. On April 2, 2025, MSCS evaluated [REDACTED] to assess [REDACTED] need for special education and related services. On May 7, 2025, MSCS determined that [REDACTED] required special education and related services under the IDEA and developed an Individual Education Plan (IEP) to meet [REDACTED] needs. [REDACTED]'s IEP was effective from May 7, 2025, to May 6, 2026.

2. [REDACTED] is zoned for [REDACTED] Elementary School, which is within walking distance of [REDACTED] home. [REDACTED] does not offer the prekindergarten special education program. [REDACTED] Elementary is a "cluster" school, meaning it is the closest school to [REDACTED]'s home that provides the prekindergarten special education program. [REDACTED] objected to [REDACTED]'s assignment to [REDACTED] Elementary because of the distance from their home. MSCS will provide door-to-door transportation for special education students with the parent's agreement. [REDACTED] felt the special education transportation was not safe for [REDACTED] and declined MSCS's offer of transportation. Ms. [REDACTED] chose to personally transport [REDACTED] to [REDACTED] Elementary.

3. On August 18, 2025, [REDACTED] began attending the prekindergarten special education program at [REDACTED] Elementary School. Since [REDACTED] was under the age of mandatory attendance, [REDACTED] was only required to attend [REDACTED] Elementary two days a week. [REDACTED] originally attended [REDACTED] Elementary on

Mondays and Tuesdays, but [REDACTED] schedule was later changed to Thursdays and Fridays. [REDACTED] attended [REDACTED] Elementary seven hours per day from 9:00 a.m. to 4:00 p.m. [REDACTED]'s IEP team determined that this schedule was sufficient for [REDACTED] to receive his special education and related services.

4. [REDACTED]'s IEP required MSCS to provide [REDACTED] with six hours per week of prevocational skill intervention and six hours per week of academic readiness skills. Both services were to be provided by a special education teacher in a special education classroom.

5. [REDACTED]'s IEP required MSCS to provide [REDACTED] with six 30-minute sessions per month of speech therapy and eight 30-minute sessions per month of occupational therapy. These related services were to be provided by a speech pathologist and an occupational therapist in a special educational setting.

6. Ms. Steiner was [REDACTED]'s special education teacher. Ms. Steiner provided [REDACTED] with direct special education, including prevocational skills intervention, academic readiness skills intervention, and support in achieving [REDACTED] IEP goals.

7. [REDACTED]'s occupational therapy was a "push-in" service. Meaning [REDACTED]'s occupational therapist, Ms. Harbor, came to the special education room and provided therapy while [REDACTED] worked with [REDACTED] special education teacher. [REDACTED]'s speech-language therapy was a "pull-out" service, meaning [REDACTED]'s speech therapist, Ms. Dunn, would provide [REDACTED]'s therapy away from the special education room.

8. [REDACTED] attended [REDACTED] Elementary for a total of 24 days, from August 8, 2025, through January 9, 2026. Ms. Steiner provided [REDACTED]'s special education services in a special education classroom. [REDACTED]'s speech therapist, Ms. Dunn, and [REDACTED] occupational therapist, Ms. Harbor, provided [REDACTED]'s related services.

9. [REDACTED] made progress toward [REDACTED] IEP goals according to his educational records and [REDACTED] providers.

10. In October 2025, [REDACTED] stopped attending the prekindergarten special education program after Ms. [REDACTED] expressed concerns with [REDACTED]'s progress and [REDACTED] safety at [REDACTED] Elementary. [REDACTED] stopped attending [REDACTED] Elementary, and Ms. [REDACTED] applied to MSCS to homeschool [REDACTED]. Since [REDACTED] was below the age of mandatory school attendance, Ms. [REDACTED] was not required to apply to homeschool him.

11. [REDACTED] resumed attending the prekindergarten special education program at [REDACTED] Elementary on November 6, 2025. [REDACTED]'s schedule remained on Thursdays and Fridays from 9:00 a.m. to 4:00 p.m. [REDACTED] attended the prekindergarten special education program from November 6, 2025, until the end of the first semester on December 19, 2025. At the beginning of the second semester, [REDACTED] attended on January 8 and 9, 2026.

12. Ms. [REDACTED] alleges that [REDACTED] suffered an injury while attending [REDACTED] Elementary on January 9, 2026, and [REDACTED] was not returned to the special education program.

13. On February 11, 2026, [REDACTED] and [REDACTED] filed a due process complaint¹ ([REDACTED]. 1) with MSCS concerning [REDACTED]'s alleged injury and asserting that MSCS denied [REDACTED] a FAPE. In relevant part, Petitioners' first due process complaint provided as follows:

Since the incident, the student [REDACTED] has been denied access to education, has not received appropriate placement. This constitutes a denial of FAPE, failure to ensure student safety, *and a material violation of the IEP*. The district's (sic) actions and inactions have *resulted in educational (sic) harm, physical harm, emotional trauma, and loss of instructional (sic) time, and demonstrate a systemic failure to protect the student and implement the IEP as written.* (emphasis added).

Petitioners' first due process complaint requested the following relief:

- A finding that MSCS failed to implement [REDACTED]'s IEP by providing qualified supervision leading to a denial of FAPE.
- An order requiring MSCS to provide compensatory education services and instructional time lost as a result of the denial of FAPE.
- 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.
- An Independent Education Evaluation and any other necessary assessment related to trauma, behavioral impact and educational needs resulting from the January 9, 2026 incident.
- Development and implementation of a corrective action plan, including staff training and safeguards to ensure compliance with [REDACTED]'s IEP and prevent recurrence.
- Any other relief deemed appropriate.

14. Ms. [REDACTED] officially withdrew [REDACTED] from [REDACTED] Elementary on March 1, 2026.

¹ [REDACTED], the Parent and [REDACTED], the Student v. Memphis Shelby County Schools, APD Case No. 07.03-260805J.

15. On March 26, 2026, Administrative Judge Leigh Thompson heard Petitioners' first due process complaint (█████ 1). The following day, March 27, 2026, █████. and █████ filed the instant due-process complaint (█████ 2). Petitioners' second due process complaint alleges the following:

The district failed to implement [█████] IEP from the 2025-2026 school year through present. The districts (sic) records are incomplete and inconsistent and do not show that services were provided. Daily records and emails contradict official documentation, and the district failed to provide clear information or progress reports. As a result █████ was denied FAPE.

16. Petitioners' second due process complaint requested the following relief:

- Compensatory education for missed services (approx. 756 hours)
- Revaluation and revision services of IEP
- Appropriate placement
- Finding of denial of FAPE

17. Pursuant to an order entered on April 22, 2026, Petitioners filed a Bill of Particulars on May 8, 2026, setting forth Petitioners' specific complaints in this, Petitioners' second due process complaint. Petitioners' Bill of Particulars listed the following complaints:

- Failure to implement IEP services
- Inconsistent and incomplete attendance documentation
- Service delivery interruptions
- Occupational therapy implementation concerns
- January 2026 attendance and service concerns
- Failure to provide clear documentation and progress information
- Homebound and service continuity concerns
- Denial of FAPE

18. On April 17, 2026, Administrative Judge Leigh Thomas issued a Final Order dismissing Petitioners' first due process complaint (█████ 1). Judge Thomas found that Petitioners failed to carry their burden of proof and dismissed Petitioners' first due process complaint. She also found that MSCS was the prevailing party in that case.

19. Petitioners' first due process complaint (████ 1) and the instant due process complaint (████ 2) raise the very same issues. This due process complaint is barred by the doctrine of *res judicata*.

20. Notwithstanding the doctrine of *res judicata*, as in their first due process complaint (████ 1), Petitioners failed to show, by a preponderance of the evidence, that MSCS failed to provide █████ a FAPE in this due process hearing.

CONCLUSIONS OF LAW

1. Petitioners bear the burden to introduce evidence that would, by a preponderance of the evidence, prove the issues should be resolved in their favor. TENN. COMP. R. & REGS. 1360-4-1-.02(3).

2. As the party "seeking relief," Petitioners bear the burden of proof in this matter to show, by a preponderance of the evidence, that MSCS violated the IDEA. TENN. COMP. R. & REGS. 1360-4-1-.02(3). *Schaffer v. Weast*, 546 U.S. 49, 51 (2005).

3. The IDEA requires MSCS to provide all students with disabilities who need special education and related services a FAPE. 20 U.S.C. § 1400, *et seq.*

4. MSCS 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).

5. 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).

6. A student's IEP must be developed by the student's IEP team, consisting of the following individuals:

- a. The parents of the child;
- b. Not less than one general education teacher of the child (if the child is or may be participating in the general education setting);
- c. Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child;
- d. A district representative who: i) is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; ii) is knowledgeable about the general education curriculum; and iii) is knowledgeable about the availability of district resources.
- e. An individual who can interpret the instructional implications of evaluation results;
- f. Other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate; and
- g. Whenever appropriate, the child with the disability. 34 C.F.R. § 300.321

7. The student's IEP must include (1) a statement of the child's present levels of educational performance; (2) a statement of measurable annual goals, (3) a statement of the special education and related services and supplementary aids and services to be provided to the child that, to the extent practicable, are based on peer-reviewed research, (4) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the nonacademic and extracurricular activities, (5) a statement of how the child's progress toward the annual goals will be measured, and (6) a statement of how the child's parents will be regularly informed of their child's progress. 20 U.S.C. §1414(d)(1)(A). These "are requirements by which the adequacy of an IEP is to be judged, although minor technical violations may be excused." *Cleveland Heights-University Heights City Sch. Dist. v. Boss*, 144 F.3d 391, 398 (6th Cir. 1998).

8. 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).

9. For a district to substantively offer a 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 for his circumstances. *Endrew F. vs. Douglas County Schools*, 580 U.S. 386, 137 S. Ct. 988, 197 L. Ed. 2d 335 (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 400. The student’s progress must be more than *de minimis*. *Id.* at 402.

10. MSCS is charged with providing [REDACTED] 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).

11. 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). Parental disagreement with a student’s proposed placement does not establish a denial of a FAPE if 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).

12. The doctrine of *res judicata* prohibits a litigant from relitigating claims that were, or could have been litigated, in a prior case. The Tennessee Supreme Court provides the following summary of the *res judicata* doctrine:

The doctrine of *res judicata*, or claim preclusion, long has served that purpose. Res judicata bars a second suit between the same parties or their privies on the same claim with respect to all issues which were, *or could have been*, litigated in the former suit. The fundamental principle underlying the doctrine is that a party

who once has had a chance to litigate a claim before an appropriate tribunal usually ought not to have another chance to do so. (emphasis added).

The primary purposes of the doctrine are to promote finality in litigation, prevent inconsistent or contradictory judgments, conserve legal resources, and protect litigants from the cost and vexation of multiple lawsuits. In light of its purposes, *res judicata* has been characterized as a rule of rest. Thus, application of *res judicata* is not based on any presumption that the final judgment was right or just. Rather, it is justifiable on the broad grounds of public policy which requires an eventual end to litigation. (internal citations omitted) *Regions Bank v. Prager*, 625 S.W.2d 842, 847 (Tenn. 2021).

13. In *Morris v. Esmark Apparel, Inc.*, 832 S.W.2d 563 (Tenn. Ct. App. 1991), the Tennessee Court of Appeals affirmed that the doctrine of *res judicata* is applicable to administrative proceedings. Its decision stated the following:

Insofar as the law in Tennessee is concerned, there is one unique aspect of this case, the consideration of which appears to be a case of first impression. That question is whether the doctrine of collateral estoppel will be extended or applied to decisions of administrative agencies in this state.

It appears however that beginning perhaps a quarter of a century ago, this reluctance to extend the doctrine of *res judicata*, of which collateral estoppel is a component, to administrative cases has been substantially modified. In 1966, the U.S. Supreme Court expressly applied the doctrine in the administrative law context, stating:

When an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply *res judicata* to enforce repose. *United States v. Utah Construction & Mining Co.*, 384 U.S. 394, 422, 86 S.Ct. 1545, 1560, 16 L.Ed.2d 642 (1966).

Subsequently, in the case of *Univ. of Tenn. v. Elliott*, 478 U.S. 788, 799, 106 S.Ct. 3220, 92 L.Ed.2d 635 (1986), the court held:

We hold that when a state agency “acting in a judicial capacity ... resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, federal courts must give the agency's factfinding the same preclusive effect to which it would be entitled in the State's courts.

The doctrines of *res judicata* and collateral estoppel are applicable to give conclusive effect to quasi-judicial determinations of administrative agencies.

While there are some jurisdictions that do not give preclusive effect to quasi-judicial decisions of administrative agencies, we are of the opinion that the authorities cited above represent both the majority and better view and thus we adopt this view in the case at hand. *Id.* 566.

14. The preclusive effect of the doctrine of *res judicata* is applicable to IDEA cases. *Ross v. Bd. of Educ. of Twp. High Sch. Dist. 211*, 486 F.3d 279, 283 (7th Cir. 2007), *Li v. Revere Local Sch. Dis.*, 2023 WL 3302062 (6th Cir., May 8, 2023).

DISCUSSION

Petitioners raise the same issues in this due process complaint that they raised in their February 11, 2026, due process complaint. MSCS could not have denied [REDACTED] a FAPE between the hearing of their first due process complaint on February 26, 2026, and Petitioners' filing of their second due process complaint the very next day, on February 27, 2026. Petitioners' instant due process complaint is properly **DISMISSED** under the doctrine of *res judicata*.

Notwithstanding the doctrine of *res judicata*, Petitioners failed to carry their burden of proof and show that MSCS failed to provide [REDACTED] a FAPE. Petitioners bear the burden of showing, by a preponderance of the evidence or more likely than not, that MSCS failed to provide [REDACTED] with a FAPE. MSCS identified [REDACTED], a prekindergarten student who needed special education and related services. In May 2025, MSCS assembled an IEP that included Ms. [REDACTED]. The team formulated [REDACTED]'s IEP. Ms. [REDACTED] agreed with [REDACTED]'s May 7, 2026 IEP. [REDACTED] entered [REDACTED] Elementary's special education prekindergarten program on August 18, 2026. [REDACTED]'s educational records and providers' testimonies show that during [REDACTED] short time at [REDACTED] Elementary, [REDACTED] made progress toward [REDACTED] IEP goals. [REDACTED]'s frequent absenteeism hindered [REDACTED] providers' ability to provide [REDACTED] special education services. In addition, Ms. [REDACTED] did not allow [REDACTED] to return after January 9, 2026.

Ms. [REDACTED] is concerned about [REDACTED]'s progress and [REDACTED] safety at [REDACTED] Elementary, but she is unable to articulate exactly what her concerns are or the basis for them. Ms. [REDACTED] alleges that [REDACTED] was injured on January 9, 2026, while attending [REDACTED] Elementary. However, MSCS has no knowledge of [REDACTED] being injured on January 9, 2026. There is no injury report, and none of [REDACTED]'s providers are aware that [REDACTED] was injured at school. Ms. [REDACTED] believes MSCS is not providing [REDACTED] with [REDACTED] IEP-mandated services, but she offers no proof other than her own speculation.

Ms. [REDACTED] takes issue with MSCS's record-keeping. [REDACTED]'s attendance records are confusing, but Ms. Steiner's "drop-off and pick-up log" is accurate and shows the days [REDACTED] attended [REDACTED] Elementary. Ms. [REDACTED] also takes issue with MSCS changing [REDACTED]'s enrollment from "Exceptional Children Special Placement" to enrollment at [REDACTED] Elementary School on October 10, 2025. MSCS presented evidence that this was a clerical change required upon [REDACTED]'s enrollment at [REDACTED] Elementary, rather than an actual change of placement.

Petitioners presented no evidence that MSCS failed to provide [REDACTED] with a FAPE while enrolled at [REDACTED] Elementary School. Petitioners requested the following relief in their due process complaint:

- Compensatory education for missed services (approx. 756 hours)
- Revaluation and revision services of IEP
- Appropriate placement
- Finding of denial of FAPE

Petitioners presented no evidence of what, if any, compensatory education is necessary. It is unclear how Petitioners calculated "approx. 756 hours" of compensatory education. As noted, [REDACTED] attended [REDACTED] special education program at [REDACTED] Elementary for seven hours per day for only 24 days. This is approximately 168 hours of special education instruction.

Petitioners request ‘reevaluation and revision services of the IEP.’ Petitioners presented no proof that ■■■■■’s May 7, 2025 IEP was deficient. Regardless, Petitioners can request an IEP meeting at any time to modify ■■■■■’s IEP if necessary. But ultimately, ■■■■■’s IEP is determined by ■■■■■ IEP team and not ■■■■■ parent.

Petitioners requested “appropriate placement” for ■■■■■. Ms. ■■■■■ is not satisfied with ■■■■■’s placement at ■■■■■ Elementary due to its distance from Petitioners’ home. Ms. ■■■■■’s preference is that ■■■■■ be enrolled at ■■■■■ Elementary, which is within walking distance of the Petitioners’ home. MSCS does not offer the prekindergarten special education program at ■■■■■. ■■■■■ Elementary School is ■■■■■’s zoned “cluster school” for special education services. MSCS offered ■■■■■ door-to-door transportation from ■■■■■ home to ■■■■■ Elementary. Ms. ■■■■■ does not believe the special education transportation would be safe for ■■■■■ and declined MSCS’s offer. MSCS is not required to create a prekindergarten special education program at ■■■■■ for Petitioners’ convenience. Petitioners presented no evidence that MSCS’s placement of ■■■■■ at ■■■■■ Elementary School was inappropriate.

Lastly, Petitioners request a finding that MSCS denied ■■■■■ a FAPE. As noted, ■■■■■’s educational records and ■■■■■ special education providers’ testimonies show that ■■■■■ was progressing toward ■■■■■ IEP goals. Petitioners failed to show, by a preponderance of the evidence, that MSCS denied ■■■■■ a FAPE.

CONCLUSION

Based on the foregoing, Petitioners failed to meet their burden of proof and show, by a preponderance of the evidence, that MSCS failed to provide ■■■■■ with a free appropriate public education. Accordingly, Petitioners’ due process complaint is **DISMISSED**. MSCS is the prevailing party on all issues in this case.

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 **9th day of June 2026**.



STEVE R. DARNELL
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

■■■■, THE STUDENT AND ■■■■ THE PARENT 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 **June 9, 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 24, 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 **August 10, 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 **August 10, 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 16, 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. 07.03-261676J

████, THE STUDENT AND █████, THE PARENT V.

MEMPHIS-SHELBY COUNTY SCHOOLS

NOTICE OF APPEAL PROCEDURES

Secretary of State
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