

IDEA WRITTEN ADMINISTRATIVE COMPLAINT
21.22_76

Name of the school system:

Rutherford County Schools (RCS)

Description of the violation:

RCS failed to provide a prior written notice (PWN) after declining to test for special education.

Description of the law or regulation determined to be violated:

34 C.F.R. § 300.503(a) and (b)	Written notice
34 C.F.R. § 300.504	Procedural safeguards notice
SBE Rule 0520-01-09-.15(4)	Prior written notice

RCS must correct these violations by implementing the following corrective actions:

Student Level Corrections:

1. Provide training for all appropriate staff on the aforementioned regulations no later than 8/31/22;
2. Within ten (10) days of completion of the training, provide the department with the agenda, content, and sign-in sheets of participants as documentation of appropriate training content and appropriate staff participation;
3. Within ten (10) school days of receipt of this letter, RCS must convene an appropriately staffed IEP team, including Complainant, in order to:
 - a. Review any supporting documentation regarding Student's suspected disability;
 - b. Determine if the district will pursue a comprehensive evaluation of Student and obtain appropriate parental consent for testing and explain procedural safeguards;
 - c. Provide a PWN;
4. If the team determines to evaluate Student and Student is found:
 - a. not eligible for services: complete a not-eligible report and provide Complainants with a detailed PWN supporting the decision; or
 - b. eligible for services: complete an eligibility report and PWN, and develop an IEP which meets Student's needs and provides a free and appropriate public education (FAPE); and
 - c. If Student is found eligible for services, the IEP team must determine any need for compensatory education or services owed to Student;
5. Within ten (10) days after any team meetings, provide documentation to the Department of all team decisions required under steps #3 and #4;
6. If compensatory services are ultimately determined and agreed upon, RCS must, within ten (10) calendar days of completion of all required compensatory services, send to the department final signed documentation by Complainant verifying completion.

Final determination of the department: The department will monitor and document RCS compliance with corrective measures ordered.