

**Advisory Council for the Education of Students with Disabilities
Approved Minutes**

**October 11, 2010
Andrew Johnson Tower
710 James Robertson Pkwy
Nashville, Tennessee 37243**

Members of the Council in Attendance

David Blier	Cynthia Higginbotham, Vice-Chair
Dawn Bradley	Mary Johnson
Paula Brownyard, Chair	Catherine Knowles
Samuel Cole	Sharmila Patel
Chip Fair	Sebrena St. John
Jeff Finney	Jim Topp
Winnie Forrester	Darlene Walden
Chantal Hess-Taylor	

Members of the Council Not in Attendance

Kathleen Airhart	Beulah Oldham
Janelle Glover	Cindy Storey
Kyle Hauth	Shannon Taylor
Flavenia Leaper	Tonya Watson
Christine Lloyd-Burkes	

State Employees in Attendance

Steve Dugger, Department of Children's Services
Joseph Fisher, TN Department of Education/Division of College & Career Readiness (TDOE/DCCR)
Pam Fuqua, TDOE/DCCR
Melanie Hatcher, TDOE/DCCR
Terry Long, TDOE/DCCR
Nan McKerley, TDOE/DCCR
Bill Wilson, TDOE, Office of the General Counsel

Visitors in Attendance

Ned Solomon, TN Council on Developmental Disabilities

Welcome

Paula Browyard, Chair, began the meeting by welcoming everyone. She then led the Council members and guests in the Pledge of Allegiance.

Acceptance of Agenda

The agenda was accepted as presented.

Approval of Minutes from October 11, 2010 Meeting

The Council voted to accept the minutes as presented.

Report from the Chair

Paula announced that the Council was recognized by the Mid-South Regional Resource Center (MSRRC) for its efforts to draw more public input. The MSRRC has asked the Council and TDOE to conduct a webinar for other State Advisory Councils to discuss ways they could do the same in their state. No date has been set for the webinar at this time.

The 2008-2009 Annual Report is still being worked on; however, a final draft will be emailed to the Council members in the next few weeks. Once members have reviewed the final draft, a vote to accept or reject the proposed document will also be conducted via email.

Paula introduced a new member, Chantal Hess-Taylor. She is from Memphis and will be representing parents of children with a disability. Another new member, Flavenia Leaper, was not in attendance at this meeting.

Paula informed everyone that Beulah Oldham, who represents Institutions of Higher Education, missed the last few meetings due to a recent head injury. She contacted Paula to make the Council aware of the reason for her absences and to say that she is closely following the advice of her doctors so she can return to her duties as soon as she is able.

Jim Topp also reported about the recent passing of Sister Mary Mark Graf, a previous Council member. She worked in a residential home for children with disabilities in Germantown, TN and served for many years on the Council before retiring in 2002. The Council observed a moment of silence to reflect on her lifetime of service to others, especially children.

Public Input

There was no one present to address the Council.

First to the Top (FTTT) Goals & Initiatives

As it was not yet the scheduled time for Cory Curl, Director of the Education Delivery Unit, to discuss the goals and objectives of the TDOE's FTTT Initiative, Paula moved to the next agenda item. The Council will return to this item when Director Curl arrives.

Department Re-organization

Joseph Fisher outlined the current restructuring of the TDOE. In addition to the Commissioner of Education, the department now has two Deputy Commissioners. One whose responsibility it is to oversee the Race to the Top (RTTT) and FTTT activities. This consists of the Offices of Accountability and Assessment, along with three major divisions:

1. Division of School Readiness – Pre-K through 3rd grade and the Early Intervention System (TEIS). Bobbi Lussier has been appointed Assistant Commissioner.
2. Division of College & Career Readiness – 4th grade through high school, including Special Education, School Coordinated Health, ELL, Alternative Schools, Migrant Education, Homeless Education, teacher preparation programs, after school programs, professional development and curriculum. Joseph Fisher has been appointed Assistant Commissioner.
3. Post-Secondary Access & Services – This includes School Counseling, all Vocational Educational programs (now called Career Technical Education, or CTE) and Transition Services. Transition Services, which previously fell under Special Education, was moved along with the Office of Legal Services, which will now be a part of the Office of the General Counsel. These follow the TEIS, which was placed in the Division of School Readiness earlier in the year.

The second Deputy Commissioner is responsible for overseeing the daily operations of the department, such as personnel and fiscal matters. Mr. Fisher noted that the TDOE has been in contact with the candidates for governor while making these decisions to ensure that the initiatives and changes will meet with their approval, should they get elected. However, this does not mean there will not still be further changes to come.

Mr. Fisher assured the Council that he and his staff were working very closely with the staff of the offices now under his supervision to continue the current level of services received by students and to discover new opportunities for improvement. Teachers will begin receiving extensive additional professional development training as one major concern has been the implementation of annual reviews for teachers as well as principals. The training that will occur will help educate these individuals about the process and should minimize their frustrations. There are several districts that will begin piloting the new evaluation system next month and it will be completely in affect in the 2011-2012 school year.

Mr. Fisher also discussed the indications given by the USDOE that soon a teacher of core content subjects in grades 7-12, who is the teacher of record, would need to be “Core Content Certified.” Previously, and currently, if a teacher is only teaching special education students and has been determined to be Highly Qualified, they could teach with a Special Education Endorsement and not have to be Core Content Certified. The State Board of Education passed a rule allowing any teacher of a core content subject (i.e. Math, English, Science) in grades 7-12 to take the praxis exam in another subject area to become Core Content Certified. Although there is no official mandate at this time, the TDOE is encouraging districts to use ARRA or IDEA funds to assist teachers in taking these praxis by enrolling in refresher courses or even allowing them to return to school to complete the necessary courses to receive a new endorsement.

Review State Annual Performance Report (APR)

The information being presented is a draft of the APR, which will be finalized and sent to the U.S. Department of Education (USDOE) on February 1, 2011. Once submitted, the information in this year's APR will be available to the public on the TDE/DCCR website at: http://www.tennessee.gov/education/speced/data_reports.shtml. Reports from previous years can already be found on the website.

Veronica McDonald, Director of Program Improvement, presented Indicator 5 - Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) - which looks at the percent of children with IEPs (ages 6 to 21) served (a) inside the regular class more than 80% or more of the day; (b) inside the regular class less than 40% of the day; and (c) in separate schools, residential facilities, or homebound/hospital placements. The data for the 2009-10 school year was obtained from Table 3 of the December 1, 2009 Federal Census Report. Data reflect that 62.33% of children with IEPs were removed from Regular Class 80% or more of the day in comparison to 59.15% last school year. The state target of 55% has been met and exceeded. Data also reflects that 12.64% of children with IEPs were removed from Regular Class less than 40% of the day in comparison to 13.24% last school year. The state target of 13% has been met. Children served in combined separate programs, which includes separate public/private schools, public/private residential schools and homebound/hospital placements comprise 1.75% of children served. This is less than the 3.71% national average which reflects that this target was met as well.

For 2009-10 all 136 school districts are using the statewide special education data system for reporting student level data. This consistency of data reporting provides for a high level of data accuracy as these student level data come directly from the IEP information. TN continues to meet the state targets relative to this indicator. Districts in the state generally provide a continuum of placements based on the least restrictive environment.

Jamie Kilpatrick, Director of IDEA Preschool Services, was introduced to discuss Indicators 6, 7 and 12 which deal with areas of early childhood education. He also introduced Melanie Hatcher, Early Childhood Consultant, and Pam Fuqua, Early Childhood Data Consultant, who helped gather the information to be presented. Indicator 6 - Early Childhood Settings - is not required to be reported this year. There is currently a national debate regarding the exactly what parameters are appropriate; therefore, although the TDOE has the means to collect the data, reporting has been put on hold for this school year.

Mr. Kilpatrick also reviewed Indicator 7 - Preschool Outcomes. This Indicator looks at the percent of preschool children with IEPs who demonstrate improved: (a) positive social-emotional skills (including social relationships); (b) acquisition and use of knowledge and skills (including early language/communication and early literacy); and (c) use of appropriate behaviors to meet their needs. Entrance and exit data has been collected from LEAs on a total of 1128 students who had received services for at least six months. The preschool children who improved functioning (combined categories of c and d divided by a+b+c+d times 100) are seen at the following percentage by outcome:

A. Positive social-emotional skills (including social relationships) = 91.7%

- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy) = 89.5%
- C. Use of appropriate behaviors to meet their needs = 92.6%

The number of preschool children who were functioning within age expectations (combined categories of d and e divided by a+b+c+d+e times 100) are seen at the following percentage by outcome:

- A. Positive social-emotional skills (including social relationships) = 57.4%
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy) = 55.7%
- C. Use of appropriate behaviors to meet their needs = 68.0%

Since this is such a new reporting area, the TDOE will continue to refine its data collection process and explore uses for the data once collected.

Mr. Kilpatrick then went on to discuss Indicator 12 - Part C to B Transition. This Indicator shows the percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. 98% of children referred by Part C prior to age 3 and who were found eligible for Part B had an IEP developed and implemented by their third birthdays. This represents continued progress from the previous fiscal year's performance of 95%, and represents significant progress from the 2006-2007 year performance of 47.10%. In addition, this year compliance monitors followed up with LEAs that were not compliant on this indicator.

Reasons most often cited for untimely IEPs were: scheduling issues between parties, snow days, rescheduling issues when someone is sick – often the child, and families that have moved, could not be located, changed their minds regarding evaluation or services.

Data from Tennessee's Early Intervention Data System was merged into a unified data table for this report and compared to the special education data services system (Easy-IEP).

Data submitted for FFY 2009-2010 has been verified by each LEA to increase accuracy. Work continues with the existing data systems in Part B and Part C to collect all desired data elements to continue and improve this indicator data.

FTTT Goals & Initiatives

Cory Curl arrived to address the Council and attention was returned to this item. Ms. Curl outlined the work that is being done to transform the State Department of Education and its relationships with school districts. She encouraged everyone to access the state's Race to the Top (RTTT) application (found online here: <http://state.tn.us/education/index.shtml>) and read the first two pages which sets forth a narrative of what aspirations the department has for the students of Tennessee. Within RTTT, very specific goals were established regarding student performance. This includes enhancing proficiency on state assessments as well as national education progress scores; increasing graduation rates and the number of students continuing on to post-secondary situations; working to decrease achievement gaps; and dramatically enhance the effectiveness of instruction. RTTT's core ideas include: adopting standards and assessments across state lines; utilizing data systems to help teachers teach, rather

than just collecting data for reporting purposes; honestly measuring teacher and school performance to appropriately provide support where it is needed most; and funding for STEM – Science, Technology, Information, and Mathematics.

FTTT is currently focusing on three very specific areas - 3rd grade Reading, 7th & 8th grade Math and High School graduation rates. Once a comfortable amount of progress has been seen, focus will expand into other areas such as post-secondary enrollment rates and post-secondary success rates after the first year and completion rates to ensure that students are not only successful in their academic life but their lives beyond school. Ms. Curl assured the Council that she would provide regular progress reports and would welcome feedback and suggestions to help make this project as successful as possible.

APR Review

Returning to the APR Review, Bill Wilson, Director of Special Education Legal Services, was introduced to present Indicators 16-19. Indicator 16 shows the percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State. 99 signed written complaints were received by the division. 60 reports were issued. Of the 60 reports issued, 57 were within timelines and 4 were within extended timelines. 5 complaints were pending at the end of the reporting period, all of which were pending a due process hearing. 34 complaints were withdrawn or dismissed. 100% of signed written complaints were resolved within the timelines (including extended timelines) and the target was met.

Indicator 17 shows the percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines. 42 due process hearing requests were received by the division. One (1) due process hearing request was fully adjudicated. 24 due process hearing requests were resolved without a hearing. 17 requests were pending at the end of the reporting period. 100% of due process hearings were decided within the timelines (including extended timelines). There were no findings of noncompliance. Target was met.

Indicator 18 shows the percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. The Target for this Indicator was 4% of hearing requests that go to resolution sessions will be resolved through resolution settlement agreements. 16 resolution sessions were conducted with 9 resulting in signed written agreements. 56% of hearing requests that went to resolution sessions resulted in signed written agreements. Therefore, this target was also met.

Indicator 19 shows the percent of mediations held that resulted in mediation agreements. 36 mediation requests were received by the division and 10 were not related to due process hearing requests. Of the 10 that were not related to due process hearing

requests, 9 resulted in agreements. Of the 11 mediations that were related to due process hearing requests, 7 resulted in agreements. 15 mediations were either pending or not conducted. 76% of mediations reached agreement within applicable timelines (16 agreements divided by 21 mediations held) and the target of 60% was met.

Terry Long, Director of Data Services, began with a brief overview of Indicator 8 - Parent Survey. Based on the study conducted in FFY08, it was determined that the two most cost effective methods of survey distribution are direct email to parents and mailing survey packets to School Principals for distribution to parents. TDOE worked with a contractor, East Tennessee State University (ETSU), to administer the survey. The two different methods of soliciting parent surveys are described below:

1. Direct Email to Parents: Parents were directly emailed and provided a URL to take the survey on the Web. Information from the state, in letter form, was attached explaining the survey. Additionally, parents could choose to print, complete and return a hard copy of the survey by US mail.
2. Mailing of Survey Packets to School Principals: School principals were mailed quantities of paper surveys, postage paid envelopes and letters to parents explaining the survey. School principals were asked to disseminate the surveys to students to be taken home to parents. (The accompanying letter provided parents a URL as an alternate means of completing the survey if the parent did not want to complete the hard copy).

This year a total of 29,653 surveys were distributed to parents. There were 5,478 survey responses with usable data for a response rate of 18.5% (5,478 / 29,653). Therefore, the state target of 96% was not met. More regarding this Indicator will be presented at the meeting on January 10, 2011.

Ms. Long went on to discuss Indicator 9 - Disproportionality by race. This Indicator shows the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The Target for the Indicator was 0% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. One district was found to have disproportionate representation of students receiving special education and related services based on the application of criteria defined in this indicator. This district was determined, however, not to be disproportionate as the result of inappropriate identification. Therefore, 0 of Tennessee's 136 districts were found to have disproportionate representation of racial and ethnic groups in special education and related services *that is the result of inappropriate identification* and the target was met.

Ms. Long finished with Indicator 10 - Disproportionality by disability categories. Indicator 10 shows a percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. The target for this Indicator was 0% of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification of students with Autism, Emotional Disturbance, Intellectual Disabilities, Other Health Impairment, Specific

Learning Disabilities, and Speech/Language Impairments. 27 districts were found to have disproportionate over- and or under-representation based on the application of criteria defined in this indicator. These districts were determined, however, not to be disproportionate as the result of inappropriate identification, as described below. Therefore, in FFY 2009 through the examination of disproportionate representation data, 0 of Tennessee's 136 districts were found to have disproportionate representation of racial and ethnic groups in specific disability categories *as a result of inappropriate identification* and the target was met.

Veronica McDonald completed the APR Review for this meeting with Indicator 11 - Child Find. Indicator 11 shows a percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. TN did not meet the 100% target for this year. However 96.25% maintains the progress that was made in the FFY08. In part, this progress is attributed to the implementation of the completed improvement activity requiring a more robust data collection through the state data system. Accompanying instructions and trainings consistently communicated the importance of these data and their collection. Training to LEAs was provided at the Annual Special Education State Conference and regional orientation meetings. Additionally, ongoing state data system technical assistance is provided throughout the year for all districts in the state.

Although there was discussion of discontinuing TDOE-granted extensions, it was decided to continue accepting for consideration and granting when warranted TDOE extensions. TDOE extensions were beginning to be aligned with the reasons for delay that were built into the data collection system this year. This alignment will continue in order to help streamline the process of approving extension requests. The number of extensions granted by the TDOE was 5. Only exceptional reasons for delay, beyond those outlined above, are granted extensions.

Election of Chair and Vice-Chair

Paula Brownyard was re-elected to serve as Chair. Cynthia Higginbotham was also re-elected and will continue to serve as Vice-Chair.

Other New Business

The Council then discussed future meeting dates and set a tentative schedule as follows:

- January 10, 2011
- April 11, 2011
- July 11, 2011
- October 17, 2011

Adjourn

Hearing no other new business, the meeting was then adjourned.