



**ADVISORY
COUNCIL** for the
EDUCATION of
STUDENTS with
DISABILITIES

Annual Report
July 2007 – June 2008

Introduction

According to state and federal guidelines this Advisory Council has responsibility annually to issue a report to the State Board of Education, the Governor and the State Legislature. Additionally, this report will be provided to the Tennessee Department of Education. The information contained in this report represents a period of a school year showing the progress made in programs for children with disabilities. It is the Advisory Council's intention to work with the Department of Education to ensure the provision of appropriate services for children with disabilities throughout the State of Tennessee. This is accomplished through...

- Reporting by the Department to the Council
- Council giving feedback to the Department
- Public input presented to the Council
- Experiences of council members, who represent consumers

Mission Statement

The mission of Tennessee's Advisory Council for the Education of Students with Disabilities is to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential.

Authority

Tennessee's Advisory Council for the Education of Students with Disabilities was established in 1972 and is required by Tennessee Code Annotated 49-10-105. This legislation states that the council "shall advise and consult with the Governor, the Commissioner of Education, the State Board of Education, and the Director of the Division of Special Education."

The Individuals with Disabilities Education Act (IDEA), § 1412(a) (21), requires that the state establish and maintain an advisory panel *for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state*. Regarding duties, the advisory panel shall:

- ❖ *Advise the Department of Education of unmet needs within the state in the education of students with disabilities;*
- ❖ *Comment publicly on any rules or regulations proposed by the state regarding the education of students with disabilities;*
- ❖ *Advise the Department of Education in developing evaluations and reporting data to the U.S. Secretary under Section 618;*
- ❖ *Advise the Department of Education in developing corrective actions plans to address findings identified in federal monitoring reports under this part;*
- ❖ *Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities; and*
- ❖ *Advise the Department of Education in serving the needs of students with disabilities in adult prisons.*

PART ONE

COUNCIL GOALS AND DEPARTMENT ACTIVITIES

The following were goals established by the Advisory Council for July 2007 – June 2008. The activities described represent actions carried out by the Advisory Council for the Education of Students with Disabilities and the Division of Special Education (DSE) along with the Tennessee Department of Education (TDOE) related to the goals of the Council. Data reflecting the provision of special education and related services throughout the state is reported with associated council goals.

Council Goal 1: Promote improved student learning/progress.

COUNCIL ACTIVITIES

The council received updates from the Special Education Division staff at each meeting regarding progress made in the area of student learning. The success of this activity has continued over the past two years. It has been reported the continued success can be directly attributed to a change in philosophy and practice in the local schools. Several other factors also continue to impact this goal some of those being; easy IEP and its alignment with the state curriculum, more utilization of accepted accommodations for the testing procedure, and differentiating teaching strategies for the individual students.

DEPARTMENT ACTIVITIES

State Performance Plan: FAPE in the LRE –

Program information provided to the U.S. Office of Special Education Programs (OSEP) included special education and related services delivered and student progress in general curriculum participation as part of the Individualized Educational Plan (IEP) along with graduation and drop-out rates for students with disabilities as compared to their non-disabled peers. Performance results for children with disabilities on statewide academic achievement tests can be found at: <http://tn.gov/education/reportcard/index.shtml>.

Tennessee GSEG Project -

In April of 2007 the U.S. Department of Education announced an option for states to develop and administer an alternative statewide assessment based on Modified Academic Achievement Standards (MAAS) for students with disabilities. The assessment's purpose is to provide a more appropriate means of measuring the skills of a student whose disability interferes with performance on large-scale assessments. Tennessee has been awarded a General Supervision Enhancement Grant (GSEG) for an initiative that includes development of a modified academic achievement assessment, support and training for LEA implementation of the TCAP-MAAS and the writing of high quality, standards-based IEPs. The TCAP-MAAS is now in the field test process. Results from this spring's testing will be used to further refine the test and GSEG activities will focus on refining eligibility criteria and training for IEP teams, including parents. The objectives of the GSEG activity include development of a more appropriate assessment for students with disabilities and providing the training and support needed for IEP teams in developing standards-based IEPs. The main goal is to give full access to the general curriculum while meeting the individual needs of a student, and then assessing skills in a manner that takes the student's unique characteristics into account. The assessment (TCAP-MAAS) must go to the U.S. Department of Education, NCLB, for peer review. Documents and evidence are expected to be presented for review and approval in the Fall of 2009. The assessment, if approved or given provisional approval, will be used in the Spring of 2010 for TCAP assessment. Initial guidance documents can be found on the Division of Special Education website under Assessment.

Graduation Rates -

Tennessee’s graduates have a choice of three (3) different exit documents. There is the high school diploma, the high school certificate and the special education diploma. The high school diploma is awarded to students who (1) earn the specified 20 units of credit or satisfactorily complete an individualized educational program, (2) meet competency test or gateway examination standards, and (3) have satisfactory records of attendance and conduct.

The high school certificate is awarded to students who have earned the specified 20 units of credit and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

The special education diploma is awarded to students who have satisfactorily completed an individualized education program, and who have satisfactory records of attendance and conduct, but who have not met competency test or gateway examination standards.

The percent of students in special education exiting with a regular diploma is defined as the number of students receiving special education services who graduated with a regular diploma divided by the sum of students receiving special education services age 14 or older who left school with a regular diploma, with a certificate, after reaching maximum age or by dropping out. Tennessee determines graduation rate via an event rate.

A 1.5% yearly increase in the percent of students in special education exiting with a regular diploma was Tennessee’s target. A 4% increase was obtained in the 2007-2008 school year. The state’s rate increased from 55.4% to 59.4%.

Table 1.1
Percentage of Students Who Graduated with a Regular Diploma
(Graduation Rate expressed as a percentage of students exiting)

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Percent of Students in Special Education Exiting with a Regular Diploma	34.5%	35.3%	33.2%	47.7%	55.4%	59.4%

Data Sources: Tennessee Report Card 2007; Tennessee’s 2002, 2003, 2004, 2005 2006, and 2007 OSEP DANS Table 4 – Report of Children with Disabilities Exiting Special Education and Tennessee’s NCLB Accountability Workbook (June, 2007)

Drop-out Rates -

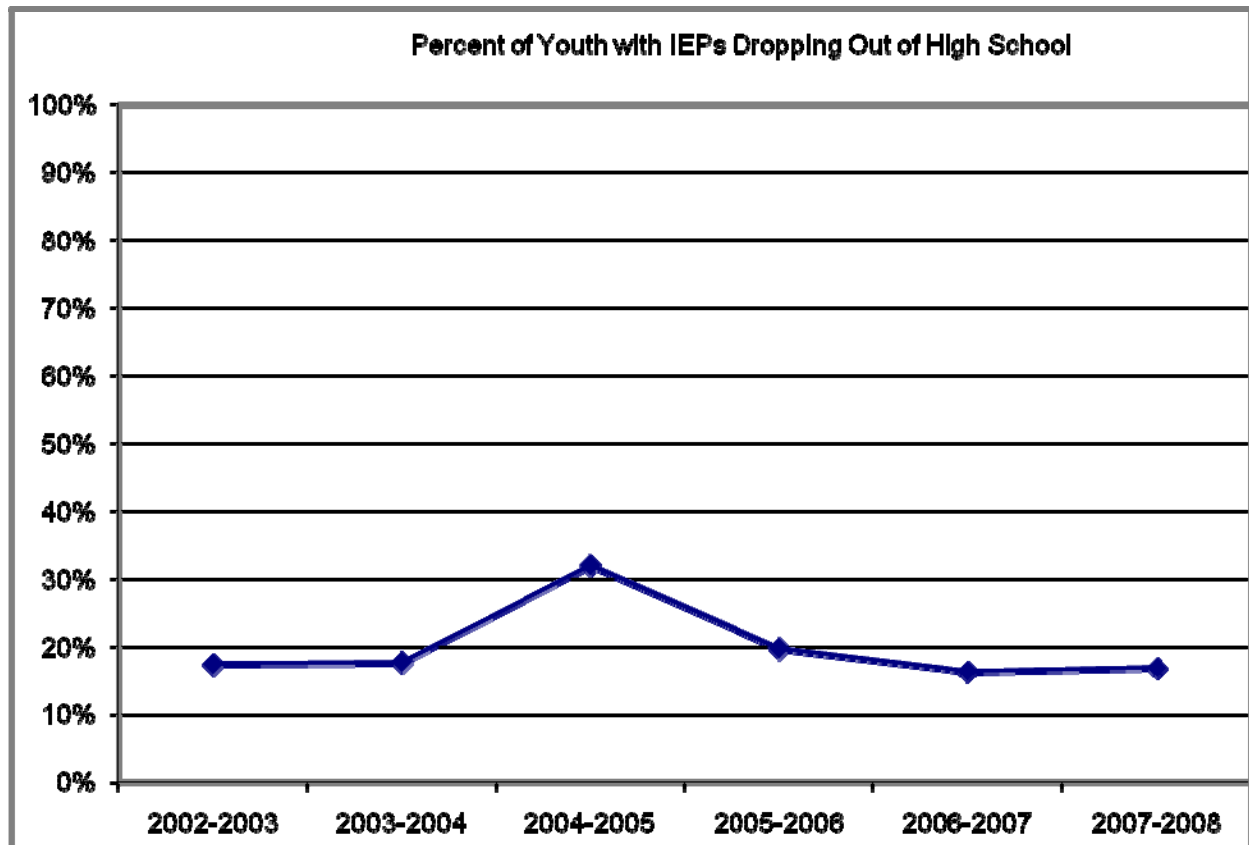
Tennessee defines a dropout as an individual who (1) was enrolled in school at some time during the previous school year; (2) was not enrolled at the beginning of the current school year; (3) has not graduated from high school or completed a state or system approved education program; and (4) does not meet any of the following exclusionary conditions: (i) transfer to another public school; school system private school, or state – or system-approved education program; (ii) temporary absence due to suspension or illness; or (iii) death.

Tennessee calculates the percentage of students dropping out by dividing the number of students with disabilities 14 years and older who dropped out by the number of students with disabilities 14 years and older who graduated with a diploma, received a certificate, reached the maximum age for services or dropped out. The state determines drop out rate via an event rate.

Actual Target Data through 2007-2008:

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Percent of Youth with IEPs Dropping Out of High School	17.5%	17.8%	31.9%	19.8%	16.4%	16.9%

Data source documents: Tennessee's 2002, 2003, 2004, 2005, 2006, 2007 OSEP DANS Table 4.



Data source documents: Tennessee's 2002, 2003, 2004, 2005, 2006, 2007 OSEP DANS Table 4.

Discussion of Target Data for 2007-2008:

Tennessee calculates the percentage of students dropping out by dividing the number of students with disabilities 14 years and older who dropped out by the sum of students with disabilities 14 years and older who graduated with a diploma, received a certificate, reached the maximum age for services or dropped out. Tennessee determines drop out rate via an event rate.

There was a significant increase in the drop out percentage in 2004-05 in comparison to the previous four years. This was primarily due to a change in the definition of drop-outs by OSEP. The category of students "moved, not known to be continuing" were counted as drop-outs beginning in 2004-05 where they had not been in the past.

A 1.5% yearly decrease in the percent of students in special education dropping out is considered a rigorous target. In FFY07 a one-half percentage point (.50%) increase was measured compared to FFY06. The drop out rate was determined to be 16.9%, up from 16.4%. Therefore, the state as a whole did not meet its target for FFY07, however it should be noted that 65 of 136 LEAs met the State AYP target of 10%. The state believes that better tracking and extensive weekly training by the office of Data Management continues to improve both collection and analysis of this data.

Council Goal 2: Promote expanded access to and quality of services to eligible students with disabilities to better prepare them for transition into their future environments.

COUNCIL ACTIVITIES

The increased focus on monitoring transition services for students is still showing progress. Disproportionality was also reviewed regularly with the council by DSE staff. The collaborative effort of fellow agencies has continued to be successful in allowing for more efficient utilization of Federal monies.

DEPARTMENT ACTIVITIES

Child Count 618 Exit Data –

Part C 618 Exit Data indicates a continued reduction in the number of children exiting Part C with Part B eligibility determined. A close review of the 618 data collection and reporting in 2003-04 revealed that the data for previous years had included duplication and some Part C personnel were reporting Part B eligibility as presumed, not based on documentation verification of eligibility. A new process was instituted for non-duplication of data and training was provided to personnel related to the requirement to verify Part B eligibility for reporting. It is assumed that the continued reduction in the number of children reported as determined eligible for Part B is a result of the continuing improvement in the accuracy of data reporting.

**Table 2.1
Child Count 618 Exit Data FFY 2007-2008**

Total Number of Children exiting Part C at age 3 who were eligible for services under Part B

	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Total # of children exiting Part C at age 3	3,923	2,480	2,293	2,185	2,349
Total # of children exiting Part C at age 3 who are eligible for Part B services	1,450	960	1,320	1,193	1264
Percentage of children who exited Part C at age 3 who were eligible for Part B services	37%	39%	57%	55%	54%

Data Source: Federal 618 Child Count table for Part C data collections

The Early Childhood Transition area has been monitored in past cycles in the areas of parent training for transition from Part C to Part B, 90 day transition meetings, and community service information provided to families of non-eligible children.

Through Part C/Section 619 Analyses: Tennessee has considered ways in which data may be analyzed to answer SPP preschool transition questions when the state electronic database development is completed. One such analysis would involve the identification of children from the Tennessee Early Intervention Data System (TEIDS, ages 0-3) who turned three and who will continue to be tracked in the TN EasyIEP (ages 3-21) statewide electronic database.

Progress has been made on developing a unique identifier that will be consistent from the entrance into Tennessee’s Early Intervention System until completion of their school experience.

Council Goal 3: Promote inclusive educational services that meet the needs of all students, regardless of their abilities, and promote a sense of belonging and mutual respect for all students while affirming each student’s individuality.

COUNCIL ACTIVITIES

The council was updated quarterly on the continuing efforts of the DSE staff to provide inclusion services through collaborative efforts with fellow Departments and Agencies.

DEPARTMENT ACTIVITIES

Early Childhood (aged 3 through 5) in settings with typically developing peers

NOTE: Changes continue to be made for the reporting of preschool settings information (for ages 3 through 5) at the federal level to be more consistent with LRE data reported for children ages 6 through 21. Therefore this area was not required to be reported on for the 2007-2008 school year.

Children with IEPs (aged 6 through 21) educated with non-disabled peers to the maximum extent appropriate

A. Removed from regular class less than 21% of the day:

Children removed from regular class less than 21% of the day 80%	Total number of children with disabilities	Percentage
61,160	108,617	56.31%

B. Removed from regular class greater than 60% of the day

Children removed from regular class greater than 60% of the day	Total Number of Children with Disabilities	Percentage
14,688	108,617	13.52%

C. Children served in separate programs

Children in Separate Programs*	Total # of Children with Disabilities	Percentage
2,152	108,617	1.98%

*Combined Separate Facilities includes separate public/private schools, public/private residential and homebound/hospital.

Source: Data from Table 3 of the December 1, 2007 Federal Census Report. Percent of children with IEPs age 6 - 21.

The data for the 2007-2008 school year was obtained from Table 3 of the December 1, 2007 Federal Census Report. Data reflect that 56.31% of children with IEPs were removed from Regular Class less than 21% of the day in comparison to 63.43% last school year. The state target of 54% has been met and exceeded. Data also reflects that 13.52% of children with IEPs are Removed from Regular Class greater than 60% of the day in comparison to 10.89% last school year. The state target of 14% has been met. Children served in combined separate programs, which includes separate public/private schools, public/private residential schools and homebound/hospital placements comprise 1.98% of children served. This compares to 1.76% last school year. This falls well below the National Baseline of 4.0%, and the state target has been met.

The IEP writer, EasyIEP, provides LRE validations based on time in general education classes and assists the end user to correctly code LRE placements. With these actions, users provided TDOE much more accurate data on educational placements. Finally, improvement activities supporting or encouraging more inclusive efforts have been implemented at various locations across the State with progress noted in many instances.

Council Goal 4: Promote increased quality and quantity of personnel serving eligible children and youth with disabilities.

COUNCIL ACTIVITIES

TEACH TN and BASE –TN show continued success in the recruitment and training of Special Educators from other Professions.

DEPARTMENT ACTIVITIES

Personnel Employed and Needed to Provide Special Education and Related Services for Children and Youth with Disabilities - School systems annually provide the number of personnel, including administrators, teachers, related services providers, paraprofessionals, and other providers, employed to meet the identified educational needs of all children with disabilities in the State ages 3-21.

Table 4.1

	School Year 2004-05	School Year 2005-06*	School Year 2006-07*	School Year 2007-08
Teachers – Ages 3-5	423	894	709	488
– Ages 6-21	5,805	5,302	6,070	6,494
Other Special Education and Related Services Personnel	8,503	7,602	8,204	7,752
Total	14,731	13,798	14,983	14,734

Data Source: Report for Comprehensive Plan for Providing Special Education Services (OSEP Table 2)

*Some teachers in the “Teachers-ages 6-21” range were counted in the “Teachers-ages3-5” range because they serve at least one student in the 3-5 age range during this school year.

**Table 4.2
Teachers without proper licensing**

	School Year 2004-05	School Year 2005-06	School Year 2006-07	School Year 2007-08
Waivers	202	175	101	116
Permits	196	165	98	87
Alternative & Interim Licensures	464	317	231	354

*New category 2003-04

Waiver of Employment Standards – Permission granted to a local school system to employ one who holds a valid teaching license but does not have the appropriate endorsement. A waiver may be granted when the school system is unable to obtain the services of a qualified teacher for the type and kind of school in which the vacancy exists.

Permit to Teach – Permission granted to a local school system to employ one who does not hold a valid teaching license when the system is unable to obtain services of a qualified teacher for the type and kind of school in which the vacancy exists.

Alternative and Interim Licensures – Alternative A, C & E and Interim B Licenses are obtained through the TDOE upon meeting all applicable requirements.

Council Goal 5: Promote adequate special education funding and improving procedures for allocation of funds.

COUNCIL ACTIVITIES

DEPARTMENT ACTIVITIES

There has been concern that the current state funding formula may provide financial incentive for more restrictive placements and programming (*Tennessee IDEA Continuous Improvement Plan, July 2002, Area of Concern XVII.A*). For the more restrictive placements, more funding is available; **however**, LEAs must contribute additional local funds. Therefore, it is not an incentive to place children in more restrictive settings for the purpose of additional funding.

**Table 5.1
Federal Funds Available for the Education of
Students with Disabilities**

PROGRAM	2004-2005	2005-2006	2006-2007	2007-2008
Source of Funds: Federal				
Individuals with Disabilities Education Act, Part B Grant Funds	\$205,685,894	\$215,277,020	\$214,982,394	\$218,638,925
Individuals with Disabilities Education Act, Preschool Grant Funds	\$7,009,209	\$6,955,848	\$6,889,673	\$6,889,672

Data Source: U.S. Department of Education Grant Award Notification Letter

State Funds (BEP) – State educational funds are distributed under the provisions of the 1992 Education Improvement Act. LEAs are granted flexibility in the use of these funds and no specific dollar amount is earmarked for any program or activity.

Federal Funds – Federal IDEA allocations are based on the amount that each State received from FFY 1999 funds for IDEA, Part B funds. (Federal allocations for IDEA, Preschool funds are based on the amount that each State received from FFY 1997 funds.) The general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Council Goal 6: Promote improved state and local information management related to special education.

COUNCIL ACTIVITIES

Council was presented quarterly updates on the student management system and progress made in implementing this system.

DEPARTMENT ACTIVITIES

State procedures and practices for ensuring collection and reporting of accurate and timely data -
The Statewide Student Management System (SSMS) pilot phase began implementation during the 2004-2005 school year. The final phase of SSMS was completed during the 2007-2008 school year. SSMS included a complete Student Information System (SIS) for all students and an integrated special education module, EasyIEP. Having one integrated system allows for a single point of entry for student enrollment data which is then shared to EasyIEP. This data sharing process is efficient for school district personnel and improves the quality of student data by preventing duplication of enrollment information.

The Department provides LEAs with direct, intensive and on-going technical assistance regarding writing students' Individualized Education Plans (IEPs) and data collection for state and federal reports. School districts implementing EasyIEP or EasyCensus generate most of their state and federal special education data reports using the internet-based system. EasyIEP/EasyCensus ensures data accuracy by providing extensive data validation checks as data are entered during the IEP writing process. The current long range plan is that the Department will continue working with the EasyIEP vendor, Public Consulting Group, Inc., to provide the special education data system to LEAs for the next 4 years. However, due to budget constraints, the provision of the enrollment system for all students, with and without disabilities, is no longer going to be provided as a direct service from the Department to LEAs. Instead, LEAs will be given the opportunity to purchase the SIS package, Star Student, through a statewide general contract purchase process.

The Tennessee Early Intervention Data System (TEIDS) is the comprehensive data system for the provision of IDEA Part C services (for children ages birth to three). TEIDS includes an Individualized Family Service Plan (IFSP) writing tool; state and federal data collection and reporting; service logging and billing for eligible infants and toddlers. The data management team for the Division is currently working together to link TEIDS with EasyIEP/EasyCensus to create a birth through age twenty-two data system for service provision to infants, toddlers, children and young adults with disabilities in Tennessee.

Council Goal 7: Promote enhanced communication among community, educators and stakeholders on special education services and policies.

COUNCIL ACTIVITIES

The council recognizes the ongoing nature of improving communication. The Annual Special Education Conference "MEASURING UP THROUGH IMPROVED OUTCOMES" was an excellent endeavor allowing for networking among stakeholders. Once again the conference was an overwhelming success with approximately 1200 attendees.

DEPARTMENT ACTIVITIES

The provision of a free appropriate public education to children with disabilities is facilitated through parent involvement in special education services.

Parent surveys:

During FFY07 school year, the *Parent Involvement Survey* was sent to all parents of students with disabilities ages 3 through 21 in the 30 LEAs monitored that year by the Division of Special Education. (All LEAs are selected for monitoring over a 4-year cycle by a means described in the 2005-2010 SPP, indicator # 8.) The State's three largest LEAs complete this survey annually. In FFY07 40,139 were distributed by the selected LEAs to parents. In almost all cases surveys were mailed. There were 11,334 surveys returned with some usable data for a response rate of 28.2% (11,334 /40,139).

The surveys were administered locally and entered at each district. Summary data were sent to TDOE for analysis. Parents had the option of not completing any question. Item one on the survey queried parents regarding schools facilitation of parent involvement. Of the 10,630 parents responding to item one, 10,311 (97%) agreed with the item (10,311/10,630).

Aggregate respondent data from LEAs were summed and found to have respondent representation from: a) five of six locale types, b) three grand divisions of the state, c) poverty level average of approximately 18%, and d) the three major ethnic groups in the state. The state considers 97% agreement to be a clear indication that schools are involving parents as a means of improving services and results for children with disabilities.

Further analysis across all items showed that the percent agreement across all items answered was 93.47%. That is, 236,106 of the parent responses across all items answered (252,603) were in agreement.

Complaints:

Parental Complaint data continues to be analyzed for trends and increasingly used as a data source for assessing LEA training needs. Complaint logs now contain fields specifically for concerns about Parent Training/ Access to Information. The complaint resolution process is now requiring more specific corrective action plans. The technical assistance offered in that resolution more frequently recommends parent and staff training activities. A new LEA technical assistance manual on Parent Complaints was distributed spring of 2004.

Collaboration

Collaborates with and provides support for Leaders in Education Networking for Kids (L.I.N.K.) whose goals include: training parents of students with disabilities on the special education process and to advocate for their own children's education.

Council Goal 8: Encourage implementation of school-wide positive behavior supports.

COUNCIL ACTIVITIES

The council received regular updates concerning positive behavior supports (PBS) from the DSE staff.

DEPARTMENT ACTIVITIES

Five (5) universities, under contracts with the TN Department of Education, have provided statewide service to schools in the area of Positive Behavior Supports, reaching a wide variety of students with disabilities. Each project location has done multiple training sessions for teachers,

and have each project has provided technical assistance for from three to thirty-one schools within their regions during 2007-2008.

Most focus on providing schools with the training and knowledge to form teams within the school that prevent misbehavior and teach appropriate behavior, and provide students with positive support when improvement occurs. This necessitates total buy-in of the PBS concept by administrators, staff, and parents of students. Workshops and satellite broadcasts that deal with Positive Behavior Supports are routinely scheduled throughout the year.

Data, an integral part of the projects, is being collected to examine the relationship among the adherence to PBS principles and suspension rates and academic gains in Tennessee schools.

All five universities have presented at various state and national conferences dealing with Positive Behavior Supports.

PART TWO
STATISTICAL INFORMATION

NUMBER OF STUDENTS WITH A DISABILITY

The table below contains data on numbers of children with disabilities served by the local school systems as of the end of the school year by rank with comparisons of the past four school years.

	School Year 2004-2005	School Year 2005-2006	School Year 2006-2007	School Year 2007-2008
Specific Learning Disability	57,531	51,591	47,410	43,576
Speech or Language Impairment	36,483	35,461	34,304	31,111
Intellectually Gifted	19,810	16,278	17,064	16,883
Other Health Impairment	13,207	12,652	12,481	11,643
Mental Retardation	14,610	13,615	10,407	9,789
Developmental Delay	6,520	6,957	7,072	7,212
Other (Functionally Delayed)	4,351	4,410	4,948	4,535
Emotional Disturbance	4,711	4,281	4,068	3,791
Autism	2,223	2,892	3,744	4,014
Multiple Disabilities	1,916	1,987	1,938	1,929
Hearing Impairment	1,207	1,511	1,224	1,233
Orthopedic/Physical Impairment	1,204	1,098	949	943
Visual Impairment	649	615	581	596
Traumatic Brain Injury	308	303	307	301
Blind	192	182	161	160
Deafness	182	160	151	155
Deaf-Blindness	5	5	3	3
TOTAL	165,109	153,998	146,812	137,874

Data Source: End-of-Year Data Report Table 1- TN End of the Year Frequency Count

Note: This is a **cumulative** count of **all** children served in special education during the school year, unique at the district level. If a student received special education services from multiple school districts during the school year, then the student is represented multiple times in this count.

**STATUS OF SERVICE FOR
STUDENTS WITH DISABILITIES
October 2005, 2006, 2007 & 2008
(Reported to State Chancery Court)**

CHILDREN WITH DISABILITIES

	2005	2006	2007	2008
Receiving Appropriate Services				
Receiving full special education/support services	129,642	121,411	118,302	118,255
Enrolled in private program at choice of parent and at parent's expense, with special education services provided by LEA	629	635	642	739
Receiving Less Than Appropriate Services				
Receiving some special education, but less than recommended service	11	9	9	10
Enrolled in school, recommended for special education but not receiving any special education services	101	110	117	108
Not enrolled in any educational program	129	138	121	116
Children Suspected to Have Disabilities				
Referred but not evaluated on October 1	3,902	3,754	3,687	3701
Evaluated but not yet determined eligible/not eligible on October 1	1,879	1,816	1,791	1822

Note: These numbers are as of October 1, 2005 through 2008 and will not be the same as the End-of-Year figures.
Data Source: October Report for Chancery Court in the Case of Val Rainey vs. the Tennessee Department of Education.

PART THREE
MEETING MINUTES

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

July 23, 2007
Holiday Inn Select, Nashville/Vanderbilt
2613 West End Avenue
Nashville, TN 37203

Members of the Council in Attendance

David Blier	Barbara Jenkins
Paula Brownyard	Beulah Oldham
Jeff Finney	Fran Powers
Winnie Forrester	Rex Roberts
Kyle Hauth	James Topp
Cynthia Higginbotham	

Members of the Council not in Attendance

Dawn Bradley	Jennifer Partlow
Samuel Cole	Myles Wilson
Emily Lowrance	

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Steve Dugger, TN Department of Children's Services
Joseph Fisher, TDE/DSE
Juanita Flakes, TN Department of Human Services/Division of Rehabilitation Services
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Nan McKerley, TDE/DSE
Steve Sparks, TDE/DSE
Robert Winstead, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Meredith Freeman, Volunteer Tennessee
holly lu conant rees, Disability Coalition on Education
Loria Hubbard-Richardson, The Arc of Tennessee/Project LINK
Walter Rogers, The Arc of Tennessee
Ned Solomon, Developmental Disabilities Council
Susie Wilkins, TN Education Association (TEA)
Del Ray Zimmerman, Volunteer Tennessee

Welcome

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance then introduce themselves around the room.

Acceptance of Agenda

Due to a scheduling issue, Mr. Fisher asked that we move discussion of the "Legislative Update" forward. All other agenda items were accepted as presented.

Approval of Minutes from January 8, 2007 meeting

The minutes of the January meeting were accepted with one exception.

Report from the Chair

- Dr. Topp reiterated the new policy that guests, should they have questions regarding an agenda item during the meeting, will have to be addressed by the Chair.
- The State Rules & Regulations are moving through the State Board of Education Rulemaking process. Public comments were heard on June 26, 2007 and are being reviewed by the board. The second reading by the board is scheduled for August 10, 2007.
- We have a number of members whose terms are expiring this summer. All members who would like to have their name submitted to the Governor's Office for consideration for re-appointment need to fill out the Boards and Commissions form and return to the Department of Education/Division of Special Education (TDE/DSE).
- The Special Education website now shows each member's name, area of representation, city of residence and email address. Dr. Topp asked that everyone double check their information for accuracy.

Public Input

There were none present who wished to address the Council.

Report on Inclusion

After being reviewed by the staff attorney for the TDE/DSE, Bill Wilson, the Council voted to accept the proposed statement. It will be added to the department's website and the annual report.

Legislative Update

Bill Wilson was introduced to discuss items that the General Assembly will be looking at, such as issues on the administration of medications and the use of restraints. Public Act 598 went into effect on July 1, 2007. According to this new legislation due process and mediation proceedings will be conducted by the Secretary of State's Office, a detailed finding of fact and prevailing party will be required of the hearing officer conducting the due process hearing, and findings of administrative complaints by the TDE/DSE will be posted on its website,

2005-06 Annual Report Update

Jeff Finney, Subcommittee Chair, gave the Council members a last chance to comment on the final draft before calling for a vote. The report was accepted as presented and will be printed and sent out via regular mail.

Update on Council Goals for 2007-08

Paula Brownyard, Subcommittee Chair, told the Council that the 2006-07 Goals would be posted on the TDE/DSE website and she would welcome any comments. The subcommittee will meet again prior to the October meeting and would present next year's goals then.

Finalize Update of Council By-laws

Rich Lewis, Mid-South Regional Resource Center, spoke to the Council about changes made since they were presented at the April meeting. A vote carried to accept the new by-laws as presented at this time.

Department Update

Ann Hampton spoke to the Council about personnel changes within the TDE/DSE. Steve Sparks then handed out a summary of the Annual Performance Report (APR) Indicators and encouraged Council members to work with the TDE/DSE on this information. Approximately ten (10) Indicators (out of 21) will be discussed at the October meeting and nine (9) at the January 2008 meeting. The TDE/DSE received notice that our state was recognized as one of nine in the country that has met its requirements.

Other New Business

- Dr. Topp and Jeff Finney proposed a letter from the Council recognizing Ann Hampton's years of service on the Council. Ann retired from the TDE/DSE this year but will continue to work on a part-time basis. She had attended Council meetings and assisted the Council for 18 years.
- A demonstration of the EasyIEP component of the Statewide Student Management System (SSMS) is being tentatively planned for the October meeting. It will depend on the availability of the computer lab.
- Dr. Topp also reminded the council members of the importance of updating their contact information, especially email addresses.
- The Council set the following meeting dates for the next year:
 - October 22, 2007
 - January 7, 2008
 - April 21, 2008
 - July 21, 2008

Dr. Topp then adjourned the meeting.

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

**October 22, 2007
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

David Blier	Barbara Jenkins
Dawn Bradley	Jennifer Partlow
Samuel Cole	Fran Powers
Winnie Forrester	Rex Roberts
Kyle Hauth	James Topp
Cynthia Higginbotham	Myles Wilson

Members of the Council not in Attendance

Jeff Finney	Beulah Oldham
Paula Brownyard	

State Employees in Attendance

Sandra Albright, TN Department of Education/Division of Special Education (TDE/DSE)
Bob Blair, TDE/DSE
Juanita Flakes, TN Dept of Human Services/Division of Rehabilitation Services (DHS/DRS)
Ann Hampton, TDE/DSE
Jessica Harbison, TDE/DSE
Nan McKerley, TDE/DSE
Steve Sparks, TDE/DSE
Kathy Strunk, TDE/DSE
Jane Winstead, TDE/DSE
Robert Winstead, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Meredith Freeman, Volunteer Tennessee
Loria Hubbard-Richardson, The Arc of Tennessee Project LINK
Ned Solomon, Developmental Disabilities Council
Suzie Wilkin, Franklin County/TEA
Del Ray Zimmerman, Volunteer Tennessee

Welcome & Introduction

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance. Dr. Topp then announced that Emily Lowrance had resigned from the Council due to familial obligations.

Acceptance of Agenda

The agenda was accepted as presented.

Approval of Minutes from July 23, 2007 meeting

The minutes were accepted with the correction that Myles Wilson's name be added to the list of members not in attendance.

Report from the Chair

- Dr. Topp and Jeff Finney have each received notice from the Governor's Office of their reappointment to another three (3) year term on the Council. Other Council members wishing to seek reappointment will need to contact the TDE/DSE for an application form.
- Dr. Topp asked that Council members make sure to keep the contact information on the TDE/DSE website up-to-date.
- The 2008 Annual Special Education Spring Conference dates are set for February 27-29, 2008. An online registration form will be made available soon.
- The final, printed copies of the 2005-2006 Annual Reports were distributed to Council members and guests. Everyone is encouraged to have any other interested parties contact the TDE/DSE for copies.

Presentation of Appreciation for Ann Hampton

Dr. Topp asked Ann Hampton to step forward to receive a plaque with words of appreciation from the Council along with a letter from Lana Seivers, Commissioner of Education, and Certificate of Appreciation from Governor Bredesen. Ann has served 18 years as TDE/DSE Liaison to the Council. She retired from the department at the end of July; however, continues to work on a 120 day contract.

Public Input

There were none present who wished to address the Council.

Election of Chair & Vice-Chair

A nomination was made to re-elect Dr. Topp as Chair. The motion was seconded and the vote carried in favor to elect Dr. Topp for another year. Though absent from the meeting due to a death in the family, Jeff Finney was nominated for re-election as Vice-Chair. The motion was seconded and, after a vote, Jeff Finney was elected to serve another year.

Revision of Council By-laws

The only change made to the by-laws subsequent to the July meeting was to include a section which provides a mechanism for impeachment of the Chair and Vice-Chair. After the Council members had a chance to review the current version a roll call vote was conducted and the new by-laws were adopted by all present. A copy will be emailed to Council members.

Dr. Topp wanted to express to the Council and guests a special thanks to Rich Lewis of the Mid-South Regional Resource Center (who was unable to attend) for his hard work on this document.

Presentation – Volunteer Tennessee and Learn and Serve America

Del Ray Zimmerman and Meredith Freeman were introduced to speak to the Council about their respective programs with *Volunteer Tennessee*. *Volunteer Tennessee* is a 25-member, bi-partisan commission appointed by the Governor to administer AmeriCorps programs throughout the state and to encourage volunteerism and community service. Mr. Zimmerman works to help people over the age of 17 with disabilities to find how they can get involved in their community. These volunteer programs

provide a modest living allowance, money for college after they complete their volunteer program, and invaluable training and networking for their future.

Ms. Freeman works with *Learn and Serve America*, which provides grants to schools, colleges, and nonprofit groups to support efforts to engage students each year in community service linked to academic achievement. This innovative teaching strategy is called “service-learning” and is designed to focus on ethical, social and intellectual skill development of students along with developing positive values like trustworthiness, responsibility, commitment, collaboration and team building, punctuality and respect. More information regarding these programs can be found at www.volunteertennessee.net.

2007-2008 Annual Goals

Paula Brownyard, Subcommittee Chair, could not be present due to illness; therefore, Cynthia Higginbotham presented a few of the changes discussed by the Subcommittee members. Once these suggestions are compiled with those Paula has collected, a final vote will be conducted at the January meeting.

Annual Performance Report

Steve Sparks introduced Sandra Albright (a new Consultant with the TDE/DSE), Jane Winstead, and Bill Wilson. Steve Sparks presented a synopsis of the information contained in Indicators 8 & 11 concerning Parent Involvement and Child Find. Jane Winstead presented Indicators 13 & 14 concerning Secondary Transition, and Bill Wilson presented Indicators 15-18 concerning General Supervision. There were questions concerning some of the data presented with a request for additional analysis of parent survey. The remaining Indicators will be presented at the January meeting prior to the APR being submitted to the U.S. Office of Special Education Programs (OSEP) in by February 2, 2008.

Department Update

Due to time constraints, recent changes in the Offices of Compliance Monitoring, Management Services and Assessment & Intervention Services were provided in written form to Council members within their packets. This information is available for others if interested.

Other New Business

January 7, 2008	July 21, 2008
April 21, 2008	October 20, 2008

Dr. Topp then adjourned the meeting.

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

**January 7, 2008
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

David Blier	Barbara Jenkins
Dawn Bradley	Mary Donnet Johnson
Paula Brownyard	Beulah Oldham
Samuel Cole	Fran Powers
Jeff Finney	Sebrena St. John
Winnie Forrester	James Topp
Cynthia Higginbotham	Myles Wilson

Members of the Council not in Attendance

Kyle Hauth	Rex Roberts
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State Employees in Attendance

Sandra Albright, TN Department of Education/Division of Special Education (TDE/DSE)
Bob Blair, TDE/DSE
Calvin Burden, TDE/DSE
Debbie Cate, TDE/DSE
Linda Copas, TDE/DSE
Steve Dugger, TN Department of Children's Services (DCS)
Joseph Fisher, TDE/DSE
Larry Greer, TDE/DSE
Jessica Harbison, TDE/DSE
Terry Long, TDE/DSE
Nan McKerley, TDE/DSE
Kathi Rowe, TDE/DSE
Ann Sanders-Eakes, TDE/DSE
Steve Sparks, TDE/DSE
Kathy Strunk, TDE/DSE
Terry Wallis, TDE/DSE
Robert Winstead, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Susan Dalton, TN Education Association (TEA)
Martha Freeman, Vanderbilt MIND/LEND
Melissa Gordon, Vanderbilt MIND/LEND
Loria Hubbard-Richardson, The Arc of Tennessee/ Project LINK
Walter Rogers, The Arc of Tennessee
Ned Solomon, Developmental Disabilities Council

Welcome & Introduction

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance. Dr. Topp announced two new members, Mary Donnet Johnson and Sebrena St.John, had been appointed to the Council and introductions were made around the room.

Acceptance of Agenda

The agenda was accepted without comments.

Approval of Minutes from October 22, 2007 meeting

The minutes were accepted as presented.

Report from the Chair

- Dr. Topp mentioned coordinating an orientation for our new members, possible prior to the next quarterly meeting tentatively scheduled for April 21, 2008.
- The 2008 Annual Special Education Spring Conference dates are set for February 27-29, 2008. Everyone was encouraged to attend.

Public Input

There were none present who wished to address the Council.

2007-2008 Annual Goals

Paula Brownyard, Subcommittee Chair, presented changes made by the Subcommittee members and other Council members. The Subcommittee also suggested that, once finalized, the Goals would be effective until June 30, 2009 (with some flexibility for future editing) in order to give enough time to gauge progress in each area. The Council voted to accept the Goals as presented as well as the proposed end date.

Update of Revision of State Rules & Regulations

Bill Wilson reported to the Council that the State Rules and Regulations were approved by the State Attorney General's Office and are scheduled to take effect on February 13, 2008. Mr. Wilson will be conducting WebEx trainings on February 11 and 12, 2008. A review of the regulations will be presented to the Council at the April meeting.

High School Policy Rule

Joseph Fisher, having just come from a meeting with the State Board on this issue, presented the changes that had been discussed at that meeting. After a brief review and discussion, the Council voted to draft a letter listing their concerns to be submitted for consideration by the State Board at their next meeting on January 25, 2008.

Annual Performance Report (APR)

Consultants and Directors from the Division reviewed a draft of a portion of the Annual Performance Report (APR) with council members (some portions were reviewed at the October, 2007, meeting). Included in this discussion was data and information from the 06-07 school year on High School Graduation Rate, drop out rates, state assessment scores, suspensions, least restrictive environment, preschool settings, preschool outcomes, disproportionality, transition of 3 year olds to public schools, validity and reliability of data, and gifted education. Council members responded with comments and questions and Division staff responded and made edits based on several of these comments/questions. The final APR was submitted to the Office of Special Education Programs (OSEP), on February 1, 2008. The OSEP review and ranking of TN will be available by the middle of June, 2008.

Other New Business

The Council set a tentative meeting schedule as follows:

- April 21, 2008 (Note: the date of this meeting was subsequently changed to April 14, 2008 due to a scheduling conflict. Members voted on the change via an email vote conducted by Dr. Topp.)
- July 21, 2008
- October 20, 2008
- January 12, 2009

Dr. Topp then adjourned the meeting.

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

**April 14, 2008
TPS Campus, Hardison Building
1256 Foster Avenue
Nashville, TN 37243**

Members of the Council in Attendance

David Blier	Barbara Jenkins
Dawn Bradley	Mary Donnet Johnson
Samuel Cole	Beulah Oldham
Jeff Finney	Sebrena St. John
Kyle Hauth	James Topp
Cynthia Higginbotham	Myles Wilson

Members of the Council not in Attendance

Paula Brownyard	Janelle Glover
Pamela Burns	Fran Powers
Winnie Forrester	

State Employees in Attendance

Bob Blair, TN Department of Education/Division of Special Education (TDE/DSE)
Calvin Burden, TDE/DSE
Steve Dugger, TN Department of Children's Services (DCS)
Joseph Fisher, TDE/DSE
Jessica Harbison, TDE/DSE
Nathan Jackson, TDE/DSE
Nan McKerley, TDE/DSE
Bill Wilson, TDE/DSE

Visitors in Attendance

Susan Dalton, TN Education Association (TEA)
holly lu conant rees, Disability Coalition on Education
Erin Richardson, The Arc of Davidson County
Loria Richardson, The Arc of Tennessee/ Project LINK
Rex Roberts, Former Council Member
Walter Rogers, The Arc of Tennessee
Gloria Shelton, Parent
Janet Shouse, Autism Society of Middle Tennessee
Ned Solomon, Developmental Disabilities Council

Welcome & Introduction

Dr. Topp called the meeting to order by having the Council members and guests recite the Pledge of Allegiance. Dr. Topp announced two new members had been appointed to the Council. Pamela Burns will be replacing Rex Roberts in representing parents of children with disabilities and Janelle Glover will be representing Charter Schools. They were unable to attend this meeting.

Acceptance of Agenda

The agenda was accepted without comments.

Approval of Minutes from January 7, 2008 meeting

The minutes were accepted as presented.

Report from the Chair

Dr. Topp presented the following points of interest:

- Legislators are currently discussing a proposal (Senate Bill 3668) to remove State of TN Officials address's from the general public rolls. Senator Finney could not amend the bill at that point and Dr. Topp was advised to contact a Senator from his home district prior to the next session so that the persons who serve on Commissions, Boards, Councils etc., could have the same protection. He stated that he plans to contact his Senator on this and encouraged the other Council members to as well.
- The State Advisory Panel Interagency Coordinating Council will be conducting a meeting in Charleston, South Carolina next week which is sponsored and coordinated by the Mid-South Regional Resource Center in Kentucky. Jeff Finney, Council Vice-Chair, and Nan McKerley, TDE/DSE's Council Liaison, will be attending on behalf of the Council and the Department.
- The 2008 Annual Special Education Spring Conference was held February 27-29, 2008. Due to illness, Dr. Topp was unable to attend; however, Jeff Finney attended and will share his thoughts later in the meeting.

Public Input

Gloria Shelton was present to address the Council regarding concerns over her son's class/classroom size. She shared a packet of information detailing the amount of classroom space available to the children in this particular class and asked if the Council could look at what would be needed to change situations like this one. Dr. Topp explained that this group can strictly operate in an advisory capacity and suggested she also speak to the State Board of Education. Council members Mary Donnet Johnson, David Blier and Samuel Cole volunteered to sit down together to consider this issue. They will present their suggestions to the Council at the July meeting

Recognition of Rex Roberts

Dr. Topp presented Rex Roberts with a Certificate of Recognition in appreciation of his 13 years of service on the Council. Rex expressed how proud he was to have spent so many years working for children with special needs and how impressive others who work for these children are in their dedication and passion. Rex also served for many years as a mediator for the Department.

Update of Revision of State Rules & Regulations

Bill Wilson started with an overview of the State Rules and Regulations which went into effect February 13, 2008. A WebEx training was conducted and recorded and can be found on the TDE/DSE website. Then Mr. Wilson moved on to the bills that are currently being considered by the State Legislature and the outcomes they may have on special education. For information on these and other pending legislation, committee schedules and agendas, go to <http://www.legislature.state.tn.us/>.

High School Policy Rule

Joseph Fisher outlined the revised high school graduation requirements which aim to emphasize "rigor and relevance" by setting higher standards for proficiency and academic performance. Under the new guidelines, three (3) Gateway Exams will be eliminated and replaced by nine (9) End of Course Exams. These will become effective with the freshman class of 2009. A new "Transition Certificate" has been

developed and may be awarded to a student with a disability (SWD) who, at the end of the 4th year of high school, has failed to earn a regular diploma (22 units of credit) but have satisfactorily completed an Individualized Education Program (IEP) and have satisfactory records of attendance and conduct. Since the Individuals with Disabilities Act (IDEA) states services must be provided as necessary through age twenty-two (22), a SWD may continue to work towards the high school diploma through the end of the school year in which they turn twenty-two (22). An “IEP Certificate” will replace the old “Special Education Diploma” and will be awarded to the SWD who (1) satisfactorily completes his/her IEP, (2) successfully completes a portfolio and (3) has satisfactory records of attendance and conduct.

Report on Special Education Spring Conference

Jeff Finney described this year’s Conference, held February 27 – 29, 2008 at the Nashville Airport Marriott, as one of the best so far. All sessions were informative and well planned.

Other New Business

The Council set a tentative meeting schedule as follows:

- * July 21, 2008
- * October 20, 2008
- * January 12, 2009
- * April 20, 2009

Hearing no other business, Dr. Topp adjourned the meeting.

ADVISORY COUNCIL MEMBERS

James Topp, Chair	Germantown
Jeff Finney, Vice-Chair	Elizabethton
Dawn Bradley	Lebanon
David Blier	Nashville
Pam Burns	Nashville
Paula Brownyard	Jackson
Samuel Cole	Nashville
Winnie Forrester	Nashville
Janelle Glover	Nashville
Kyle Hauth	Chattanooga
Cynthia Higginbotham	Knoxville
Barbara Jenkins	Nashville
Mary Donnet Johnson	Knoxville
Emily Lowrance	Gallatin
Beulah Oldham	Clarksville
Jennifer Partlow	Chapmansboro
Fran Powers	Clarksville
Sebrena St. John	Limestone
Myles Wilson	Somerville

State of Tennessee
Phil Bredesen, Governor

Department of Education
Timothy K. Webb, Commissioner

Division of Special Education
Joseph E. Fisher, Assistant Commissioner

Advisory Council for the Education of Students with Disabilities
James Topp, Chair

Division Assistance to Council
Nan McKerley