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**Minutes**

January 14, 2019

10 a.m.

Scarritt Bennett

1008 19th Avenue South

Nashville, TN 37212

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| **Council Members in Attendance** | **Department Employees in Attendance** |
| Shannon Taylor, Chair  Joey Ellis, Vice Chair | Theresa Nicholls, Assistant Commissioner  Allison Davey |
| Mary Meador | Kate Martin |
| Angela Jackson | Rachel Suppé |
| Melvin Jackson | Nancy Williams |
| Catherine Knowles | Crystal McCarver |
| Darlene Walden | Joann Runion |
| Chantal Hess-Taylor | Blake Shearer |
| Stephanie Ortego  Jennifer Escue | Joanna Bivins  Rachel Wilkinson |
| Travis Commons  Amy Allen | Alison Gauld  Susan Usery  Michael Holman |

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| **Council Members Not in Attendance** | **Visitors in Attendance** |
| Brian Brown | Jennifer Aprea |
| Susan Feltner  Paula Brownyard  David Craig  Dawn Fry  Susan Feltner  Paula Brownyard | Dianne Miller  Sherry Wilds  Ned Andrews Solomon |

**Objective**

Provide policy guidance with respect to special education and related services for children with disabilities in Tennessee.

**Welcome/Introductions Shannon Taylor, Chair**

* A brief introduction was made for the first Advisory Council meeting of 2019. Guests, council members, and TDOE employees were thanked for their attendance.

**Approval of Current Agenda (AC Goal 7)**

See AC website ([here](http://www.tennessee.gov/education/article/special-education-advisory-council)) for agenda

* **Action Item**

Shannon Taylor, chair, made a motion to approve the January 14, 2019 agenda. The motion was seconded shortly after.

* **Final Action Taken**

The Council voted unanimously in favor of approving the January 14, 2019 agenda.

**Approval of October 15, 2018 Meeting Minutes (AC Goal 7)**

See AC website ([here](http://www.tennessee.gov/education/article/special-education-advisory-council)) for October minutes

* **Action Item**

A motion was made to approve the October 15, 2018 minutes.

* **Final Action Taken**

The Council voted unanimously in favor of approving the October 15, 2018 minutes.

**Recommendations on Goals, Bylaws, and Focus Areas (AC Goal 7)**

* The working session met the previous day to discuss the goals, bylaws, and focus areas of the Advisory Council.
* The current goals, bylaws, and focus areas have not been revised since the 2015 – 2016 timeframe.
* The suggestion of revisiting the goals, bylaws, and focus areas of the group was originally posed by John Copenhaver, a guest speaker from a previous working session.
* The working session attendees focused on the ‘vision and mission’ portions of the bylaws.
* The bylaws can be viewed by anyone at the Department of Education’s website.
* Shannon asked that the council provide input on the priorities listed in the bylaws during the upcoming April 9th meeting.
* John Copenhaver suggested that the council should focus on three goals for the department to present on at future meetings.
  + Shannon asked that the council members meet an hour early on April 9th in order to pick which three goals should be focused on.

**Department Updates (AC Goal 7) Theresa Nicholls, Assistant Commissioner**

* Commissioner McQueen has stepped down as commissioner.
* Dr. Lyle Ailshie will serve as interim until another commissioner is selected to fill the position.
* The registration fee for the PIE Conference will be waived for advisory council members.
* A notification has been released stating that the Draft IEP rule will go into effect on March 12, 2019.
* Dianne Miller, a teacher-ambassador for the Division of Special Populations and educator for the Franklin Special School District, joined the meeting for the day. She will be doing field work and communicating with teachers and administrators regarding policies and procedures that could affect educators and the students they instruct.

**Isolation and Restraint (AC Goal 6) Joanna Bivins & Alison Gauld**

* Alison noted that some of the students have changed from the last report to the current one, though statistically the numbers are similar.
* Proactivity and having a plan in place is important, so the division seeks to offer as much training as possible regarding the matter of isolation and restraint.
* The isolation and restraint data is utilized by the department to discern which districts might need additional support, or which might need additional training on how to report their instances of restraint and isolation.
* The department is required by law to seek out any recommendations that the Advisory Council might have to reduce the number of restraints and isolations, so that information may then be passed on to the State Board of Education.
  + The opinions of the council are valued in this regard because they may be able to address issues that are not readily apparent by studying the collected data.
* Question: The data shows that 138 individuals that used isolation were ‘untrained’ is that a high number? Also, what is the plan, moving forward, to make sure that more individuals are trained in this matter?
  + Answer: That is not a large number when considering the amount of educators in our state. There is a provision in law that states that isolation may be engaged when others’ safety is at stake, regardless of whether or not the individual is trained. It was noted that these scenarios often occur during extra-curricular activities in which the entire staff, including members that would be trained in isolation related issues, would not be available. An additional provision states that once isolation has occurred, training must take place to prevent future incidents. Many districts have trained individuals that can provide isolation training, should a need arise quickly.
* Question: Has the data shown the trainings to be effective?
  + Answer: While the statistics remain similar from year to year, the individual students change, which suggests that the training is effective.
* If any recommendations are arrived upon by the council, it is asked that they be relayed to the department. There is no deadline.
* Question: It is evident that the number of restraints have gone up over the years since reporting has been mandated. Is this resultant of better reporting?
  + Answer: Yes, that is what we believe to be the case. The typical guidance offered is that should any restraint occur, it should be reported.
* Comment: It might be a good idea to have the districts review the policies surrounding restraint and isolation periodically.

**Alternate Assessment Participation (AC Goal 6) Joanna Bivins & Alison Gauld**

* Around 1.6% of students participated, which was over the projected amount anticipated to take it for this year.
* The assessment team will be sending out notices and justification letters to districts that exceeded the 1% cap shortly.
* The department will work with districts who are in need of guidance on how to respond to the fact they have exceeded the 1% cap.
* The justification letters will be made public and will contain the percentage of students who participated and what their plan is to address and identify the issues that led to them exceeding the cap.
* The department’s goal in this endeavor is to ensure that the schools are making the right decisions for their students. These letters are not a statement implying that a school can never exceed 1% participation, should their particular situation necessitate more students taking the assessment, but that they should be mindful of who takes it and how they make their decisions on who takes it.
  + The department will be issuing guidance documents with information on how to make such decisions.
* The department has submitted a 1% waiver for the 2019 school year, as the state is expected to exceed the 1% cap again.

**APR Determinations (AC Goals 1, 2, 3) Rachel Wilkinson**

* APR determinations were sent out on the Friday previous to the Advisory Council meeting.
* Tennessee uses fourteen different indicators to determine whether a district is effectively implementing a special education program.
* Twenty districts fell into the *Needs Intervention* category in Tennessee, based off of this determination. *Needs Intervention* is the most intensive support group. This was an increase from the previous year.
* Forty-eight districts fell into the *Needs Assistance* category in Tennessee. This was an increase from the previous year.
* The remaining seventy-eight districts fell into the *Meets Requirements* category.
* Question: Will the list of those that received APR determinations be made public?
  + Answer: Though the corresponding determination will not be listed, the relevant data for each district will be made public.

**Significant Disproportionality Update (AC Goals 1, 6) Rachel Wilkinson**

* There is a significant issue with disproportionate amounts of discipline among racial groups in Tennessee schools.
  + An African-American student with a disability is seven times more likely to be disciplined than their White peers.
* Though reporting on Significant Disproportionality is no longer required federally, Tennessee will continue to collect data and report.
* Twenty-six districts in Tennessee were flagged for Significant Disproportionality in one or more areas.
* There is an appeals process if a district feels their data is being misrepresented.
* There is a significant emphasis on proper data collection methods, because being identified with Significant Disproportionality results in a district being forced to redirect 15% of their part B funds to early intervention services.
* Question: Could the categories comprising Significant Disproportionality’s discipline measure be detailed for those present?
  + Answer: Out-of-school suspensions totaling ten days or less, out-of-school suspensions totaling more than ten days, in-school suspensions totaling ten days or less, in-school suspensions totaling more than ten days, and finally – total incidences.
  + Follow-up Question: Does restraint and isolation not fall under these categories?
  + Answer: It does not, as that data is intended for a different set of state reporting requirements.
* Question: If, for instance, a student was removed from school by a School Resource Officer and forced to appear in juvenile court, would that be reflected in this data?
  + Answer: Yes, depending on how the child was coded. It would likely fall under *total incidences.*

**2018 Postsecondary Outcome Data (AC Goal 2) Blake Shearer**

* The data that Blake discussed was related to Indicator 14.
* This data is collected each year and is a survey completed by individuals one year after their graduation from high school. It asks questions relevant to their levels of postsecondary engagement.
* There was a 57% response rate this year, which is considered high.
* Question: Would it be beneficial to ask the students who dropped out and participated in this survey if they had participated in a work-based-learning program or if one was made available to them at their school?
  + Answer: There is a question in the current survey regarding participation in work-based-learning.
* Question: Was the P-20 cross-referenced with this survey?
  + Answer: There has been some work done with the department’s data team to compare Indicator 14 results with those of the P-20. While a good portion of the data is similar, some of the differing reporting requirements between the two surveys make it difficult to identify concrete correlations between the data presented in the two surveys.

**SPDG Update (AC Goals 1, 3) Kate Martin**

* Surveys are conducted following every training and community of practice for SPDG.
* At the time of this meeting, all participating schools have concluded the fall training and communities of practice. Most have already begun their winter training and communities of practice. Others are preparing for the spring trainings and communities of practice.
* A refresher session regarding SPDG will be offered at PIE.
* Six districts will be recognized at PIE – Metro, Murfreesboro City, Clarksville-Montgomery, Hawkins, Clinton City, and McMinn County.
* Question: Will there be a SPDG 3.0?
  + Answer: The department is currently studying the budget available to them and considering the best way to proceed. Kate noted that she has no intention of stopping the trainings as long as the budget allows.

**Dyslexia Report (AC Goals 1, 3) Joanna Bivins**

* Every year the department is required to provide an annual report to legislators regarding dyslexia.
* The report is available on the department’s Dyslexia Advisory Council webpage.
* Contained within that report is information regarding screening, interventions provided by districts, student counts (students, by district, who received dyslexia-specific interventions).
* The data is broken down by state-level and district-level.
* Question: What does it mean when schools have reported 0% in the dyslexia report?
  + Answer: It means that those schools have self-reported that 0% of their students are receiving dyslexia-specific interventions.
* Question: Why was dyslexia pulled out to be a disability that required its own specific report?
  + Answer: The decision was made by legislators rather than the department. They wanted the report created to ensure that screening is being done for characteristics of dyslexia.

**District Support Update (AC Goal 6) Crystal McCarver**

* The main goals of the district support team are to provide tiered support to districts, to increase the fidelity of implementation of IDEA, and to improve outcomes for students with disabilities.
* The team works together to collect relevant data for the APR.
* The district support team is working to implement ‘Individual Support Plans’. These are plans that will be tailored to individual districts based off of collected data from multiple sources.
* Guidance materials are also being developed by the group, particularly one-page guidance documents on topics such as Prior Written Notice.

**New Business/Additional Items (AC Goal 7) Shannon Taylor, Chair**

* Stakeholder group identification should be added to the council name plates.
* Council functions, taken from the bylaws, should be added to the back of future agendas.
* The council agreed to meet at 9:00 before the next meeting to discuss identification of priorities.

**Call for Future Meeting Topics (AC Goal 7)**

* No topics were suggested.

**Closing Remarks/Adjourn (AC Goal 7)**

* There was a motion to adjourn the meeting. It was seconded shortly after and passed unanimously.