



Minutes

July 14, 2014

10:00 a.m.

Scarritt Bennett Conference Center
1008 19th Avenue South
Nashville, TN 37212-2166

Members of Council in Attendance

Cynthia Cheshier, Chair
Chip Fair, Vice-Chair
Alfred M. Hacker
Brian Brown
Catherine Knowles
Chantal Hess-Taylor
Dana Danner (Cleatrice C. McTorry, Rep)
Darlene Walden
David Craig
Dawn Bradley
Gayle Feltner
James Topp
Jeff Ker
Katie Culberson
Mary Johnson
Mary Meador
Paula Brownyard
Sebrena St. John
Shannon Taylor

Members Not in Attendance

Debra Lane
Hillary Sims
Jason Vance
Kyle Hauth

TDOE Employees in Attendance

Joey Hassell, Assistant Commissioner
Steve Sparks, TDOE – AC Contact
Tabatha Siddiqi, TDOE – AC Contact
Alison Gauld, TDOE
Allison Davey, TDOE
Bill Wilson, Office of General Council
Gary Smith, TDOE
Jill Omer, TDOE
Joann Lucero, TDOE
Kristi Taylor, TDOE
Lori Nixon, TDOE
Nathan Travis, TDOE
Rachel Wilkinson, TDOE
Ruth Christopher, TDOE
Suzanne Keefe, TDOE
Theresa Nicholls, TDOE
Tie Hodack, TDOE

Visitors in Attendance

Angela Webster
Carrie Guiden
Deborah Hyde
Kim Kredich
Loria Richardson
Miles Kredich
Ned Andrew Solomon
Stephanie Anderson
Susan Dalton

Announcements / Logistics

- We have a lengthy agenda today, with several people for public input.
- Will respectfully be reserving the right to keep the meeting going so we can conduct business as we need to as well as be courteous to our guests.
- Anytime you speak to the council, please use the microphone.
- Council members, please speak up so the audience can hear.
- Limit conversations in the audience because it can be heard on the recorded audio.
- Council introductions.

Meeting Focus/Purpose

Approval of Current Agenda – See website for agenda

- Motion for council to approve the agenda
- Motion seconded by council member
- The council unanimously voted in favor of approving the agenda

Approval of April 14, 2014 Meeting Minutes – See website for minutes

- Motion for council to approve the agenda
- Motion seconded by council member
- The council unanimously voted in favor of approving the April 14, 2014 minutes

Report from the Chairperson

- Covering the Council Goals
- Team leaders will be responsible for compiling everyone's input on council activities within four weeks from today. There will be a reminder in the second week of August.
- Steve has done a great job of making indications on the agenda of what items are connected with which goal.
- Goal 1 Leader – Sebrena. Members include: Shannon, Hillary, & Jeff.
- Goal 2 Leader – Mary Johnson. Members include: Cleatrice, Anne, Jim, Catherine & Amy.
- Goal 3 Leader – Jason. Members include: Sebrena, David, Cynthia, & Hillary.
- Goal 4 Leader – Dawn. Members include: Chip, Chantal, Sebrena, & Brian.
- Goal 5 Leader – Jeff. Members include: Mary Meador, Alfred, Kyle, Jason, & Paula.
- Goal 6 Leader – Cleatrice. Members include: Katie, Jim, Paula, Cynthia, & Chip.
- Goal 7 Leader – Darlene. Members include: Chip, Katie, Brian, & Catherine.
- Goal 8 Leader – Shannon. Members include: Anne, Mary Johnson, Cynthia, & Paula.
- Example of goal circulated among the council.

- Next meeting date is October 13. Columbus Day. Maybe meet on October 20?
 - Motion for council to meet on October 20
 - Motion seconded by council member
 - The council unanimously voted in favor of changing the October meeting to the 20th
- Mr. Topp had a recommendation for next year.
- Mr. Topp: The Partners in Education (PIE) Conference. The AC has been trying to find a way to have more recognition, to be more in the spot light, and to get into the public eye. Many people approached him asking about the AC. Would like to have a presentation spot at next years' PIE Conference to explain the purpose of the council, its' activities, why it exists and all of the facets of the council. Cynthia and Chip like the idea of an hour presentation.
- Cynthia – Mr. Wilson, will that require a vote from the council?
- Bill Wilson – Does not require a vote. It is simply an activity of the council for the purpose of awareness.
- New council member, Gayle Feltner.
- Joey Hassell – The conference is at the Music City Center on January 26th (pre-conference), 27th, 28th, & half a day on the 29th.
- Steve Sparks – Reviewed membership demographic information for accuracy.
- Chip Fair – **(See attachments 1 & 2)** Parameters of Isolation Laws, local Q & A document for restraint law, Report of data for isolation and restraint combined, Disability categories by grade.) Committee members – Mary Meador, Gayle Feltner, Dawn Darden, Jeff Ker, & Chip Fair.
- Joey Hassell – Alison Gauld, who works with low incidence and behavior, will be the state staff representative working with Jim' committee.
- Sunset Hearing – Steve Sparks shared this information. The hearing was held on June 25, 2014 –the last hearing was in 2008. The purpose of the hearing is to review all councils and boards throughout the state who have Governor Appointees. Senator Massey & Senator Bolling are past special educators and it was a great opportunity to see some representation at the Capitol level. They have been invited to this meeting but were unable to attend. The Council has a five year extension.
- Steve Sparks – Advisory Council Annual Report. The AC by-laws include a directive to submit the report to the Governor, General Assembly, the State Board of Education, and the public. The report, after edits from the April meeting, has been sent to our contact at the Governor's office (Katie Holden), the General Assembly, and the State Board (David Sevier). How should we distribute it to the public? The AC website.
- The Council's purpose, vision, and mission were updated in October 2013.

Public Comments

Speakers were:

- Kim Kredich – **(See attachment 3)**
- Stephanie Anderson
- Donna Taylor

- Deborah Hyde – (See attachment 4)
- Susan Dalton

TDOE Current Issues/Initiatives

Occupational Diploma Update (AC Goal 2)

Tie Hodack/
Carrie Guiden

- Had the first reading and then follow up with the business community.
- Carrie Guiden led that work and she will be speaking.
- Meetings held in Lawrenceburg, Jackson, Nashville, Knoxville, Chattanooga, and Memphis.
- Lawrenceburg had the largest turn out because a family, with a Down Syndrome daughter (Abigail), invited every business in town. 30 businesses represented.
- Nashville and Jackson had 10 businesses each.
- Knoxville, Chattanooga, and Memphis had 15 to 25.
- Question – Were the other responses write-ins? Answer – No prescribed questions or answers
- Taking this to State Board for final reading on July 25, 2014.

Timeline Extension Proposal (AC Goal 3)

Theresa Nicholls

- In the previous school year, when districts were allowed to request the delay, 59 percent of those timeline extensions were requested due to parents not coming to the eligibility meeting or requesting for that meeting to be held outside the timeframe.
- Of the reported reasons for late evaluations, 25 percent were due to parents not attending the eligibility meeting or requesting to meet outside the timeframe.
- Will ask state board to approve to additional exceptions to the 60 calendar day timeframe:
 1. Parent repeatedly fails to participate in eligibility meeting within the timeframe.
 2. Parent requests to schedule an eligibility meeting outside the timeframe.
- 60 days for the evaluation and an additional 30 days to develop the IEP.
- OSEP confirms parents have to be included in the eligibility IEP meeting.
- Concern that parents have the ability to pull the plug on the meeting but the school doesn't.

Action Item – Vote on the timeline extension

- Motion for council to accept the information on the Timeline Extension
- Motion seconded
- The Council voted in agreement that all were aware of the evaluation timeline work being done by the Division of Special Populations and that they expect to receive updates on this work as it progresses.

- Proposed to continue the current TCAP portfolio in the content areas English Language Arts, Math, and Science.
- For accountability purposes, for the 2014-15 school year, we will continue to have the option to administer two off grade MCSC pilots.
- Will have 12 trainings across TN (eight CORE regions and the four large urban districts) starting in September 2014.
- Procedures Manual was updated to reflect assessment changes, as well as the new read aloud policy that's actually posted right now under the Tools and Resources of the assessment page on the Tennessee Department of Education website.
- We have a Special Populations section of the TNCORE site, under the Parents and Community link.
- Communication Review just approved the plan for NCSC today so it will go out in the Director's Update tomorrow and will include the Special Education Update.
- Accommodations Manual will also be attached to the Director's Update.

Lunch (provided)

Summer PD trainings update (AC Goal 4)

IAIEPs/RTI²/C&I Interventions

Nathan Travis

- Planning a regional training for parents, in the fall, in the eight CORE regions.
- All trainings are posted in the SPED Supervisor's Update.
- Will share training survey results at the October meeting.

2014-15 State Assessments Overview/ (AC Goal 3)

Asst. Commissioner
Hassell

- Data is embargoed until Friday.
- Breakdown of assessments will occur in 2014-15

Education bills from 2014 Legislative Session (AC Goals 4, 7)

- One which directly relates to us, Public Chapter 833 which requires the department to collaborate with institutions of higher ed. to address dyslexia and reading disorders.
- Licensure – K-12 comprehensive still exists. Pre-k – 3, K-8 Interventionist, and a 6-12 Interventionist. Will speak with Amy Wooten about licensure.

TN's State Determination for FFY2012 (AC Goal 6, 7)

Asst. Commissioner
Hassell/Steve Sparks

- OSEP changing the way they determine state status as it relates to performance indicators. We are in the needs assistance section.

LEA Determinations for FFY 2012 (AC Goal 6)

Rachel Wilkinson

- We don't need to make any adjustment.
- You need assistance if you are below 60.

Revised APR Targets (FFY2013-19) (AC Goal 6)

Rachel Wilkinson

- Presentation providing details on APR Indicator targets and how they were revised (**see attachment 5**)

New Business/Additional Items
None

Chair

Call for future meeting suggestions
(i.e. agenda items, meeting invitations, solicitation of input)
None

Chair

Next Meeting
(Meeting 2 of FY2015)

October 20, 2014/
Scarritt Bennett Center

Action Item – Vote to adjourn

- Motion for council to adjourn
- Motion seconded
- The council unanimously voted to adjourn the meeting.

Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Incidents of Isolation/Restraint

Provide a count of *all* isolation/restraint events during the reporting period. The count is based on the number of events, not just the number of students. Accordingly, students with multiple events should be included multiple times.

Isolation/Restraint Documentation	Event Count
Number of incidents involving use of isolation/restraint	6540
Number of incidents involving use of isolation/restraint <i>since</i> the previous semi-annual report	-
Number of incidents in which school personnel imposing physical restraint/isolation were not trained and/or certified	76
Number of incidents resulting in student injury	191
Number of incidents resulting in staff injury	448
Number of incidents resulting in student death	0
Number of incidents resulting in staff death	0
Number of incidents resulting in property damage	190
Number of incidents in which parents were notified of isolation/restraint in timely manner (within 24 hours)	6464 <i>(excludes 76 blank fields)</i>
Number of incidents in which parents were not notified of isolation/restraint in timely manner (within 24 hours)	0

Isolation and Restraint data COMBINED!

From House Bill No. 1336:

Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Demographics of Students Receiving Isolation/Restraint

Provide an *unduplicated* count of the following demographic categories for students receiving isolation/restraint. Students with multiple events of isolation/restraint should only be included in these counts once.

Demographic Information	Student Count
Count of African American students isolated/restrained	307
Count of American Indian students isolated/restrained	1
Count of Hispanic students isolated/restrained	30
Count of Pacific Islander/Native Hawaiian students isolated/restrained	0
Count of Multiple Race students isolated/restrained	21
Count of White students isolated/restrained	625
Count of Asian students isolated/restrained	10
Count of female students isolated/restrained	155
Count of male students isolated/restrained	839

Demographic Information by Grade																	
Grade	P3	P4	K	T1	1	2	3	4	5	6	7	8	9	10	11	12	Total
Count	8	11	76	1	120	111	130	120	93	78	70	45	45	29	27	30	994

Demographic Information by Disability Category																	
Disability	AUT	DB	DEAF	DD	FD	IG	ED	HI	ID	MD	OI	OHI	SLD	SLI	TBI	VI	Total
Count	229	0	2	82	8	2	288	0	102	33	0	170	44	32	1	1	994

Isolation and Restraint data COMBINED!

Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Incidents of ISOLATION ONLY

Provide a count of all **isolation** /~~restraint~~ events during the reporting period. The count is based on the number of events, not just the number of students. Accordingly, students with multiple events should be included multiple times.

Isolation/Restraint Documentation	Event Count
Number of incidents involving use of isolation / restraint	1557
Number of incidents involving use of isolation / restraint since the previous semi-annual report	-
Number of incidents in which school personnel imposing physical restraint / isolation were not trained and/or certified	8
Number of isolation incidents resulting in student injury	38
Number of isolation incidents resulting in staff injury	39
Number of isolation incidents resulting in student death	0
Number of isolation incidents resulting in staff death	0
Number of isolation incidents resulting in property damage	33
Number of incidents in which parents were notified of isolation / restraint in timely manner (within 24 hours)	1549 (excludes blank fields)
Number of incidents in which parents were not notified of isolation / restraint in timely manner (within 24 hours)	0

Isolation data ONLY!

From House Bill No. 1336:
Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Demographics of Students Receiving ISOLATION ONLY

Provide an unduplicated count of the following demographic categories for students receiving **isolation /restraint**. Students with multiple events of **isolation /restraint** should only be included in these counts once.

Demographic Information	Student Count
Count of African American students isolated/restrained	42
Count of American Indian students isolated /restrained	0
Count of Hispanic students isolated /restrained	1
Count of Pacific Islander/Native Hawaiian students isolated /restrained	0
Count of Multiple Race students isolated /restrained	3
Count of White students isolated /restrained	98
Count of Asian students isolated /restrained	2
Count of female students isolated /restrained	22
Count of male students isolated /restrained	124

Demographic Information by Grade for ISOLATION ONLY																	
Grade	P3	P4	K	T1	1	2	3	4	5	6	7	8	9	10	11	12	Total
Count	0	2	2	0	12	14	25	16	18	10	13	12	5	8	6	3	146

Demographic Information by Disability Category for ISOLATION ONLY																	
Disability	AUT	DB	DEAF	DD	FD	IG	ED	HI	ID	MD	OI	OHI	SLD	SLI	TBI	VI	Total
Count	26	0	1	9	0	0	54	0	22	7	0	19	6	2	0	0	146

Isolation data ONLY!

Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Incidents of RESTRAINT ONLY

Provide a count of all ~~isolation~~/**restraint** events during the reporting period. The count is based on the number of events, not just the number of students. Accordingly, students with multiple events should be included multiple times.

Isolation/Restraint Documentation	Event Count
Number of incidents involving use of isolation / restraint	4983
Number of incidents involving use of isolation / restraint since the previous semi-annual report	-
Number of incidents in which school personnel imposing physical restraint / isolation were not trained and/or certified	68
Number of restraint incidents resulting in student injury	153
Number of restraint incidents resulting in staff injury	409
Number of restraint incidents resulting in student death	0
Number of restraint incidents resulting in staff death	0
Number of restraint incidents resulting in property damage	157
Number of incidents in which parents were notified of isolation / restraint in timely manner (within 24 hours)	4915 (excludes blank fields)
Number of incidents in which parents were not notified of isolation / restraint in timely manner (within 24 hours)	0

Restraint data ONLY!

From House Bill No. 1336:
Tennessee Code Annotated, Section 49-10-1306: Isolation and Restraint Data

For the consideration of the Advisory Council for the Education of Students with Disabilities

Demographics of Students Receiving RESTRAINT ONLY

Provide an unduplicated count of the following demographic categories for students receiving ~~isolation/~~ **restraint**. Students with multiple events of ~~isolation/~~ **restraint** should only be included in these counts once.

Demographic Information	Student Count
Count of African American students isolated/ restrained	265
Count of American Indian students isolated/ restrained	1
Count of Hispanic students isolated/ restrained	29
Count of Pacific Islander/Native Hawaiian students isolated/ restrained	0
Count of Multiple Race students isolated/ restrained	18
Count of White students isolated/ restrained	527
Count of Asian students isolated/ restrained	8
Count of female students isolated/ restrained	133
Count of male students isolated/ restrained	715

Demographic Information by Grade for RESTRAINT ONLY

Grade	P3	P4	K	T1	1	2	3	4	5	6	7	8	9	10	11	12	Total
Count	8	9	74	1	108	97	105	104	75	68	57	33	40	21	21	27	848

Demographic Information by Disability Category for RESTRAINT ONLY

Disability	AUT	DB	DEAF	DD	FD	IG	ED	HI	ID	MD	OI	OHI	SLD	SLI	TBI	VI	Total
Count	203	0	1	73	8	2	234	0	80	26	0	151	38	30	1	1	848

Restraint data ONLY!

Disability Categories by Grade			
Grade/Disability	Isolation	Restraint	Grand Total
1st Grade	12	108	120
Autism	1	18	19
Developmental Delay	4	27	31
Emotional Disturbance	2	27	29
Intellectual Disability	0	3	3
Language Impairments	0	6	6
Multiple Disabilities	0	2	2
Other - Health Impairments	4	20	24
Specific Learning Disability	0	2	2
Speech Impairments	1	3	4
2nd Grade	14	97	111
Autism	5	30	35
Developmental Delay	2	12	14
Emotional Disturbance	4	20	24
Intellectual Disability	0	4	4
Intellectually Gifted	0	1	1
Language Impairments	0	1	1
Multiple Disabilities	2	0	2
Other - Health Impairments	1	21	22
Specific Learning Disability	0	7	7
Visual Impairments	0	1	1
3rd Grade	25	105	130
Autism	8	19	27
Developmental Delay	1	4	5
Emotional Disturbance	5	39	44
Functional Delay	0	1	1
Intellectual Disability	3	7	10
Language Impairments	0	4	4
Multiple Disabilities	2	0	2
Other - Health Impairments	4	24	28
Specific Learning Disability	2	7	9
4th Grade	16	104	120
Autism	2	25	27
Emotional Disturbance	7	32	39
Intellectual Disability	2	14	16
Language Impairments	0	1	1
Multiple Disabilities	1	6	7
Other - Health Impairments	4	20	24
Specific Learning Disability	0	6	6
5th Grade	18	75	93
Autism	2	20	22
Emotional Disturbance	10	26	36
Intellectual Disability	3	8	11
Language Impairments	1	1	2
Multiple Disabilities	0	1	1

Other - Health Impairments	2	15	17
Specific Learning Disability	0	4	4
6th Grade	10	68	78
Autism	1	20	21
Emotional Disturbance	5	26	31
Functional Delay	0	2	2
Intellectual Disability	1	6	7
Multiple Disabilities	1	1	2
Other - Health Impairments	1	11	12
Specific Learning Disability	1	1	2
Speech Impairments	0	1	1
7th Grade	13	57	70
Autism	1	15	16
Emotional Disturbance	8	19	27
Functional Delay	0	3	3
Intellectual Disability	2	3	5
Language Impairments	0	1	1
Multiple Disabilities	0	3	3
Other - Health Impairments	1	9	10
Specific Learning Disability	1	4	5
8th Grade	12	33	45
Autism	2	5	7
Emotional Disturbance	3	10	13
Intellectual Disability	3	9	12
Language Impairments	0	2	2
Multiple Disabilities	0	2	2
Other - Health Impairments	2	2	4
Specific Learning Disability	2	3	5
9th Grade	5	40	45
Autism	2	9	11
Emotional Disturbance	2	12	14
Functional Delay	0	1	1
Intellectual Disability	1	8	9
Multiple Disabilities	0	4	4
Other - Health Impairments	0	5	5
Specific Learning Disability	0	1	1
10th Grade	8	21	29
Autism	0	7	7
Emotional Disturbance	3	4	7
Intellectual Disability	4	2	6
Multiple Disabilities	1	1	2
Other - Health Impairments	0	7	7
11th Grade	6	21	27
Autism	2	5	7
Emotional Disturbance	4	4	8
Intellectual Disability	0	6	6
Multiple Disabilities	0	1	1

Other - Health Impairments	0	2	2
Specific Learning Disability	0	3	3
12th Grade	3	27	30
Autism	0	8	8
Emotional Disturbance	0	7	7
Intellectual Disability	3	7	10
Multiple Disabilities	0	5	5
Kindergarten	2	74	76
Autism	0	18	18
Developmental Delay	1	21	22
Emotional Disturbance	1	8	9
Functional Delay	0	1	1
Intellectual Disability	0	2	2
Language Impairments	0	6	6
Other - Health Impairments	0	14	14
Speech Impairments	0	3	3
Traumatic Brain Injury	0	1	1
P3	0	8	8
Autism	0	3	3
Developmental Delay	0	5	5
P4	2	9	11
Autism	0	1	1
Deafness	1	1	2
Developmental Delay	1	4	5
Intellectually Gifted	0	1	1
Language Impairments	0	1	1
Other - Health Impairments	0	1	1
Transition - 1st Grade	0	1	1
Intellectual Disability	0	1	1
Grand Total	146	848	994

Demographic Percentages for SWD Statewide	
Demographic Categories	Percent for State
Female	33%
Male	67%
Multiple Races	1.30%
Asian	0.90%
African American	25%
Hispanic	6%
American Indian	0.30%
White	66.50%

Outlook Web App

Type here to search Entire Mailbox

Options Sign out

- Mall
- Calendar
- Contacts
- Deleted Items (5018)
- Drafts [2]
- Inbox (31)
- Junk E-mail
- Sent Items
- Click to view all folders
- Manage Folders...

Reply Reply All Forward X Junk Close

Re: Request to give public input at upcoming Advisory Council meeting
Kim Kredich [kimkredich@gmail.com]

Sent: Thursday, July 10, 2014 4:29 PM
To: Cynthia J. Cheshier
Cc: fairc@rcschools.net; bradleybd@wcschools.com; brianbrown@charter.net; pgrwmyr@memphis.edu; dcralg@tkids.org; katiecuberson@yahoo.com; Susan.Feltner@tn.gov; alfhacker@bellsouth.net; khauth@orange grove.org; Tteacher@aol.com; formdj@earthlink.net; jeffrey.ker@hotmail.com; catherine.knowles@mnp.org; Mary.meador@tn.gov; hillarypsims@gmail.com; stjohns@wcde.org; taylors@caywood.org; jamesetopp@me.com; Vancej@loudoncounty.org; darwald@ive.com; rhonda.whitt@tn.gov; stephanie.anderson@openlifestudio@me.com; Deborah Duncan Hyde [duncan.deb@hotmail.com]; Donna Taylor [bellamaton88@yahoo.com]

Attachments: TDOEKredich.pdf (2 MB) (Open as Web Page)

I will send a follow-up email with the rest of the attachments as my original message was evidently too large. Thanks.

On Thu, Jul 10, 2014 at 4:20 PM, Kim Kredich <kimkredich@gmail.com> wrote:
Dear Ms. Cheshier,

I am addressing the Advisory Council (Cc'd) this coming Monday, July 14, to ask who or what organization oversees the TDOE Special Education Department in the Administrative Complaint process. In brief, I filed a State Complaint on 4/1/14 that was investigated, but the State Complaint procedures were not followed as per IDEA Law. I then filed for due process but soon realized that, since my complaint is on behalf of a specific population of children with disabilities that does not include my own child (3 year olds with involved disabilities who entered into Part B and had initial IEP meetings between 4/1/13 and 4/1/14), the due process path was not available to me in this circumstance. After discussions with OSEP, I filed a complaint on 7/3/14 to investigate violations of the complaint procedure itself. I would like to know whether the Advisory Council is in a position to oversee the handling of this 7/3/14 complaint, as the complaint investigators would be investigating themselves (which, I imagine, is a conflict of interest). I have attached the complaint and attachments to this summary for reference.

I think I can also shed light on the small flurry of requests to provide public input at this meeting. Three other mothers of students with disabilities - Stephanie Anderson, Donna Taylor, and Deborah Hyde (Cc'd as well) - have been similarly working to bring about systemic change in our respective local school districts (Knox County and Hamilton County Schools) where children with involved disabilities face longstanding discriminatory practices to lawful consideration of their least restrictive environment. When I told these parents of my plan to address your council, we all felt that this was an opportunity for your group to hear how each of our experiences paints a compelling bigger picture of Tennessee's current treatment of students with disabilities. I thought it would be most helpful for Stephanie, Donna, and Deborah to provide their summaries as a "reply all" to my communication in order to keep all of the information on one email thread.

I hope that our collective public input at this upcoming meeting can be the start of a productive dialogue with the Advisory Council to improve the education of children with and without disabilities in Tennessee. Below is a link to the short documentary that my son, Miles, created for National History Day - it has a tag at the end where Miles talks about his twin brother, Ben (who has autism), that gives a good picture of the kind of educational success I wish were available to all children with involved disabilities in Knox County Schools. I look forward to meeting you on Monday.

<https://www.youtube.com/watch?v=ZMpay6mLlYw&feature=youtu.be>

Thanks so much,

Kim Kredich
Knox County Schools Parent
VA Partners in Policymaking 2004 Graduate
(865) 771-9277

On Wed, Jul 9, 2014 at 5:49 PM, Cynthia J. Cheshier <CJCheshier@ortn.edu> wrote:
Ms. Kredich,

Please provide me a brief summary of what you will be addressing at the Council meeting on Monday. I would like to have this by Friday if possible. Also, we have 5 requests for public input, so comments will be limited to 5 minutes. Thanks for your request and I look forward to meeting you Monday.

Cynthia Cheshier
Chair

The meeting begins at 10:00, public input is on the top of the agenda. We meet at Scarritt Bennett in the Rainbow room.

TENNESSEE DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
ADMINISTRATIVE COMPLAINT

To: Office of General Counsel
Tennessee Department of Education/Division of Special Education
9th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, Tennessee 37243
FAX 615-253-5567

From: Kim Kredich
3925 Oakhurst Drive
Knoxville, TN 37919
865-771-9277

Statement that a public agency has violated a requirement of Part B of the Act or of Part 300:

The Tennessee Department of Education Division of Special Education has violated State Complaint Procedures [34 CFR 300.152(a)] [20 U.S.C. 1221e-3] by denying my April 1st, 2014 Administrative Complaint the following:

5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the Division's final decision.

The facts on which the statement is based:

In the attached document, TDOEKredich.pdf, the Department focuses its "Final Decision and Corrective Action Plan" on a finding that merely relates to one of the facts on which my complaint was based, and, even in so doing, only refers to the violation as one regarding Knox County School's "inconsistency in documentation of program participation" rather than

the lack of consideration for program participation elements in a Regular Early Childhood Program at Initial IEP meetings of the 21 three year olds in question as the first possible placement option for each of these students.

The only portion of the Department's letter that addresses my actual complaint (directly below) provides information that appears to support my allegation; yet, a statement of "no violation" is issued at the end of this section with no reason for this decision. After receiving the Department's letter, I presented the Department with pertinent questions regarding its own discoveries to illustrate the lack of connection between its investigative findings and its statement of "no violation" and requested that it reconsider my complaint for a possible change in decision. The Department wrote back that my complaint investigation was officially closed.

All of my communications regarding this July 3rd, 2014 State Complaint (from the issuance of the Department's May 29th, 2014 letter to present, provided below) should be considered as relevant information, along with all documentation pertaining to the original April 1st, 2014 Complaint.

A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed:

The Department will provide clear, detailed reasons and specific IDEA Law references that support those reasons for its finding of "no violation" (pg. 2, end of second paragraph) to my 4/1/14 Administrative Complaint allegation.

OR

The Department will re-open my 4/1/14 complaint to reconsider its decision and accurately address the original allegation as well as consider further queries regarding the investigative findings.

Please investigate this complaint and notify me of the results. I understand that it may be necessary to release a copy of any correspondence submitted by me in relation to this complaint, my name, and the nature of my complaint to local school system officials in order to resolve these issues.

Kim Kredich 07/03/2014

.....

4/1/14 State Complaint:

This administrative complaint is filed on behalf of students with disabilities in the Knox County School System. The specific grounds/reasons for this complaint are:

Knox County Schools are pre-determining segregated educational placement of 3-year-old students with involved disabilities such as Down Syndrome, Autism, and Cerebral Palsy in initial IEP meetings of these students by not considering a Full Continuum of Placement Options, Supplementary Supports and Services, and Program Participation accommodations and modifications that would allow the child to participate in the general education setting.

This assertion is based on the following information:

1. Clarification of LRE law as detailed on February 29, 2012 by Dr. Melody Musgrove (Director of the U.S. Department of Special Education) in the attached document labeled MusgroveMemopreschoolre22912.pdf
2. The apparent removal of a full continuum of placement options in Knox County Schools since 2008 that was in effect until at least 2003 (please see attached KCS Continuum of Preschool Services School Year 2002-2003 labeled KCSPreKContinuum.pdf)
3. Evidence in past years (since 2008) that Program Participation pages are left completely blank and never discussed in initial IEP meetings of 3-year-olds with significant disabilities. In addition, parents are misinformed regarding LRE justification by being told that 3-year-olds are not eligible for general education programming through the public school system due to their age. Even when children with these relatively involved disabilities are successfully participating in private daycare and preschool settings, KCS refuses to consider that LRE be considered in those settings with Program Participation elements and Supplementary Supports and Services.

Lack of lawful consideration of children's Least Restrictive Environments at the very start of their Part B years not only has the potential to damage their educational experience and outcomes, but has contributed to continued misinformation regarding rightful inclusive placement, provision of supplementary aides and services, and correct IEP meeting protocol throughout children's later educational years in the Knox County School district.

Please investigate this complaint and notify me of the results. I understand that it may be necessary to release a copy of any correspondence submitted by me in relation to this complaint, my name, and the nature of my complaint to local school system officials in order to resolve these issues.

Kim Kredich 04/01/2014

ED 5247 REV. 11.1.13

.....

6/16/14 Due Process Filing:

TENNESSEE DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
DUE PROCESS HEARING REQUEST FORM

PARENT INFORMATION (To be completed by parents and returned to the LEA for processing)

Children with disabilities who are the subject of this due process hearing request: Past and current 3 year olds with involved disabilities (such as Down Syndrome, Autism, and Cerebral Palsy) served in Knox County.

Name of Person filing for due process: Kimberley Kredlich

Address 3925 Oakhurst Drive

City Knoxville Zip 37919 Telephone Number (865) 771-9277

Attorney for Child/Parent/Guardian

Attorney's Address

City Zip Telephone Number

Child's Date of Birth N/A Hearing is to be OPEN CLOSED

Complete description of the nature of the problem of the child relating to identification, evaluation, educational placement (initial or proposed change) or the provision of a free appropriate public education (FAPE).

Since at least 2008, Knox County Schools (KCS) has been pre-determining the initial educational placement of 3-year-old students with involved disabilities such as Down Syndrome, Autism, and Cerebral Palsy in segregated Special Education classes.

In the attached February 29, 2012 memorandum issued by Dr. Melody Musgrove (Director of the U.S. Department of Special Education) for the purpose of reiterating that the LRE requirements of IDEA apply to preschool children with disabilities, Dr. Musgrove writes: "Before a child with a disability can be placed outside the regular educational environment, the group of persons making the placement decision must consider whether supplementary aids and services could be provided that would enable the education of the child, including a preschool child with a disability, in the regular educational setting to be achieved satisfactorily."

It is my assertion that the "group of persons making the placement decision" (the IEP Team, which includes parents), does not consider the regular education setting (defined for preK students as "Regular Early Childhood Program") with supplementary aids and services as the first possible initial placement option for these 3 year olds.

At each Initial IEP meeting of these children with involved disabilities, a draft IEP created by the school system proposing placement of the child in a Special Education preschool class is presented to the parents as "what the school offers." The IEP Team discussion is then limited to the draft IEP contents, and therefore the "group of persons making the placement decision" does not fulfill its responsibility to consider a regular education setting with supplementary aids and services as the child's first possible option for initial educational placement.

I recently filed an administrative complaint regarding the above assertion for which no reconsideration was granted after a finding of "no violation" by TDOE. It has been suggested to me that the finding might be based on a misinterpretation in Dr. Musgrove's memorandum identifying "alternative methods that may be used to ensure that the LRE requirements are met for that child." The third method listed (near the top of the final page), "(3) locating classes for preschool children with disabilities in regular elementary schools," means "finding regular classes in elementary schools to include/serve preschool children with disabilities" (most likely regular Kindergarten classes, as specified earlier in the memorandum). If, however, this phrase is taken out of context and ignores the implied ellipses to be interpreted as "establishing classes in regular elementary schools that specifically/only serve children with disabilities," a school district might claim compliance by automatically placing children with involved disabilities in segregated Special Education classes at regular elementary schools. If this is, indeed, the basis for the finding of "no violation" to my administrative complaint, I am certain the correct intent of the phrase in question can be determined swiftly - perhaps by Dr. Musgrove's office.

Please consider any and all materials and information gathered during the Complaint process as submitted for attachment to this due process filing, and please add my e-mailed response (pasted below) to the 5/29/14 letter I received as well.

Please provide a proposed resolution of the problem to the extent known and available to the parents.

Knox County Schools establishes a clear progression of placement option considerations for preschoolers - from the least restrictive options at each age (i.e. Regular Early Childhood Programs) down to the most restrictive - and explains to parents as part of the IEP team that the general education setting with a full range of supplementary supports and services must be considered as the child's first possible placement option. Effective dissemination of information to all parties involved (including TEIS) and monitoring of the implementation of these new procedures must be developed.

LEA INFORMATION (To be completed by the Local Education Agency)

LEA Special Ed Administrator

Address

City Zip Telephone Number

School Attended Disability

Attorney's Address

City Zip Telephone Number

Date Request Received by LEA Place Hearing to be Held

Due Process Hearing request initiated by: LEA Parent/Guardian
~ LEA shall provide parent information when initiating hearing ~

This request is to be mailed and/or faxed by the LEA to:

Office of General Counsel

-  Mail
 -  Calendar
 -  Contacts
 -  Deleted Items (5018)
 -  Drafts [2]
 -  Inbox (34)
 -  Junk E-mail
 -  Sent Items
- [Click to view all folders](#)
- [Manage Folders...](#)

 Reply
  Reply All
  Forward
 

 Junk
  Close
 



Donna Taylor/Speaker
 Donna Taylor [bellamaison88@yahoo.com]

You forwarded this message on 7/12/2014 10:30 AM.

Sent: Saturday, July 12, 2014 9:14 AM
To: Cynthia J. Cheshier

Cynthia, I will be presenting my concerns regarding the education of children with intellectual disabilities in their Least Restrictive Environment and access to the general curriculum from my own experiences in two Tennessee school systems. Thank you.



Microsoft
Outlook Web App

Type here to search

Entire Mailbox



Options



Sign out

Mail

 Reply
 Reply All
 Forward
 X
 Junk
 Close

Calendar

Contacts

Deleted Items (5018)

Drafts [2]

Inbox (33)

Junk E-mail

Sent Items

Click to view all folders

Manage Folders...

RE: Public Input to Advisory Council

Deborah Duncan Hyde [duncan.deb@hotmail.com]

You replied on 7/11/2014 10:48 AM.

Sent: Friday, July 11, 2014 9:42 AM

To: Cynthia J. Cheshier

Cc: Kim Kredich Sequoyah IEP [kimkredich@gmail.com]; openlifestudio@me.com; Donna Taylor (Isabella's mom) [bellamaison88@yahoo.com]

Attachments: TDOE - Disproportionality.xlsx (38 KB) [Open as Web Page]

Good morning, Cynthia. Thank you again for the opportunity to provide public input on unmet needs in the education of students with disabilities in TN. The mission of the Advisory Council is "to ensure that all students with disabilities are provided with services and opportunities necessary to develop to their full potential." However, the policies and practices of the TN Department of Education exclude at least **18%** of all students with disabilities from achieving this. My purpose is to describe how the TDOE and the school systems are not meeting the needs of these students.

In the state of TN approximately 20,000 students with disabilities are segregated more than 50% of each day in separate "special education" settings in TN public schools. These students are:

- Denied inclusion in the school community by being excluded from the regular education classroom and from a cohort of typically developing peers
- Denied access to and instruction in the state-approved general education curriculum
- Denied instruction and intervention that would ensure access to and progress in the general education curriculum
- Denied accommodations and modifications that would allow them to be successful in the general education curriculum
- Denied access to the graduation opportunities that are available to all other students

Included here is a chart that provides some information about these excluded students. This chart was developed from 2011-2012 placement statistics from the TN. Dept. of Ed. TDOE's placement statistics show the disproportionality between student enrollment

and student placement by disability classification. This chart shows that although students with Autism make up only **5.7%** of all students with disabilities (SWD) in TN public schools, they are **16.3%** of all students who are excluded and that **34.5%** of all students with Autism are placed in the segregated setting. This chart also shows that although students with Intellectual Disability make up only **6.5%** of all students with disabilities (SWD) in TN public schools, they are **33%** of all students who are excluded and that **61%** of all students with Intellectual Disabilities are segregated into the "special education" setting. Placement in the segregated "special education" setting in a TN public school denies these students equal access to the same quality and quantity of instruction and intervention that is available to all other students and denies them equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided others.

Please reply back with what time we should plan to be in Nashville and how many copies of our presentation we should be prepared to pass out. Thank you again for this opportunity.

Deborah
(423) 991-6967

"Our lives begin to end the day we become silent about things that really matter." --Dr. Martin Luther King Jr.

> From: CJCheshier@ortn.edu
> To: duncan.deb@hotmail.com
> Subject: RE: Public Input to Advisory Council
> Date: Wed, 9 Jul 2014 21:48:17 +0000
>
> Ms. Duncan,
> Please provide me a brief summary of what you will be addressing at the Council meeting on Monday. I would like to have this by Friday if possible. Also, we have 5 requests for public input, so comments will be limited to 5 minutes.
> Thanks for your request and I look forward to meeting you Monday.
> Cynthia Cheshier
> Chair
>
>
> From: Deborah Duncan Hyde [duncan.deb@hotmail.com]
> Sent: Thursday, July 03, 2014 4:23 PM
> To: Cynthia J. Cheshier
> Subject: Public Input to Advisory Council
>
> Good afternoon, Cynthia. I would like the opportunity to provide public input at your meeting on July 14th, specifically concerning denial of access to the general education

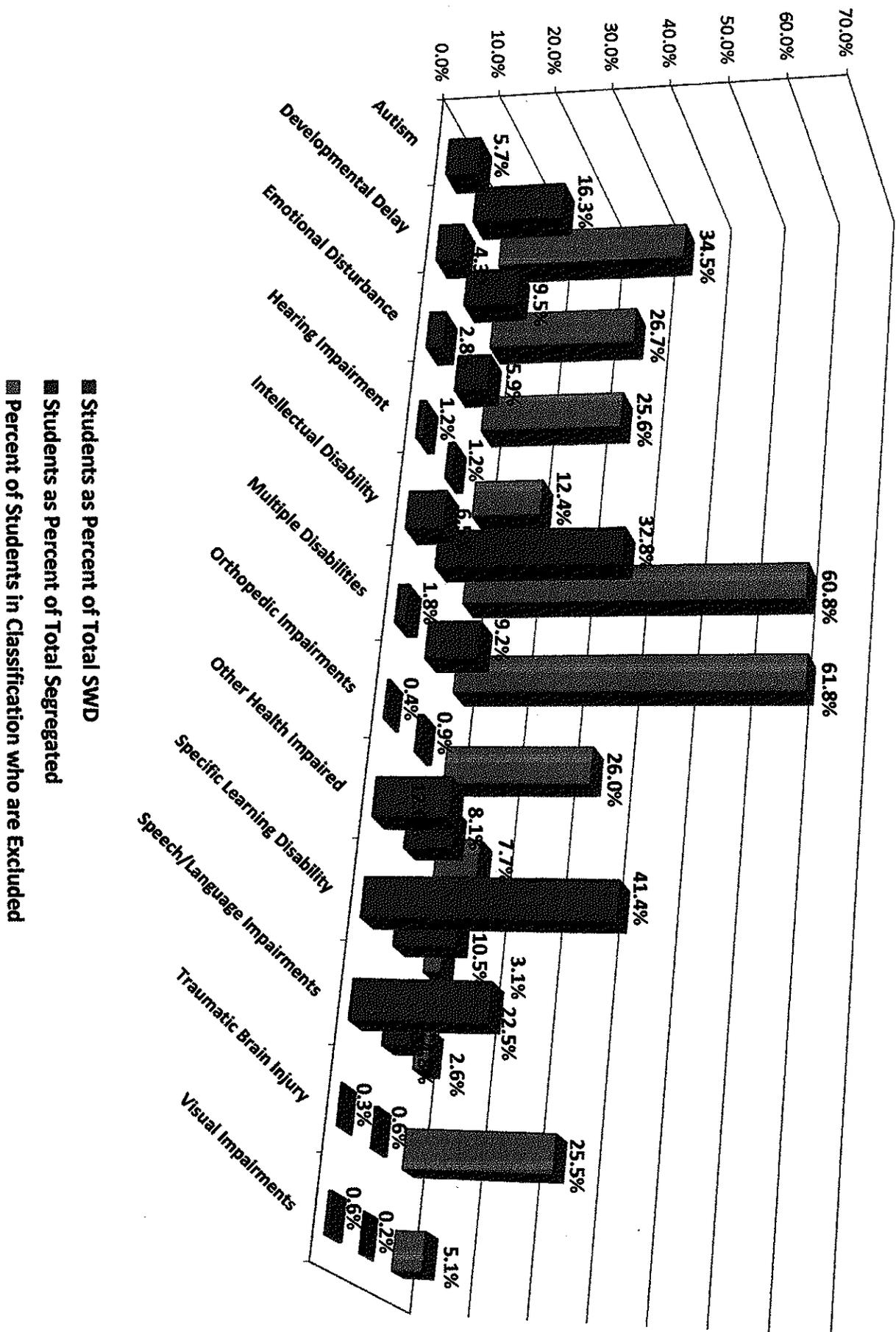
curriculum. Please let me know if that will be possible. Thank you!

- >
- > Deborah Hyde
- > 2313 Hamill Road
- > Chattanooga, TN 37343
- > (423) 991-6967



Connected to Microsoft Exchange

Disproportionality in Student Enrollment and Student Placement by Disability Classification



Proposed APR Targets – Results Indicators

Indicator 1 – Graduation Rate

2011-12 Tennessee Rate – 72.85%
2010-11 National Average Rate – 63.60%

Year	Target
2012-13	73.35%
2013-14	73.85%
2014-15	74.35%
2015-16	74.85%
2016-17	75.35%
2017-18	75.85%

Indicator 2 – Dropout Rate

2011-12 Tennessee Rate – 3.47%
2010-11 National Average Rate – 20.10%

Year	Target
2012-13	3.42%
2013-14	3.37%
2014-15	3.32%
2015-16	3.27%
2016-17	3.22%
2017-18	3.17%

Indicator 3 – Assessments

The following targets for this indicator will need to be revised once a new statewide assessment is employed (will be administered in the Spring of 2016) and baseline data is collected.

Year	Target - 3A	Target - 3B	Target - 3C
2013-14 2014-15	The percent of school districts meeting students with disabilities (SWD) gap closure using Tennessee’s Annual Measurable Objectives (AMO) will increase by 6.25% per year	The participation rate for children with IEPs in a regular assessment with no accommodations; Regular assessment with accommodations; Alternate assessment against alternate achievement standards and Alternate assessments against alternate standards will continue to meet 95% participation in Reading and Mathematics.	Average growth of at least a 3-5% increase in the percent of children with IEPs scoring “proficient/advanced” against grade level, modified, and alternate achievement standards on statewide reading and mathematics assessments

Indicator 4a – Suspensions/Expulsions

2012-13 Tennessee Percentage – 2.80%
2012-13 National Average Percentage – 96 per 10,000 students served suspended/expelled >10 days (approx. 1%)

Year	Target
2013-14	2.60%
2014-15	2.40%
2015-16	2.20%
2016-17	2.00%
2017-18	1.80%
2018-19	1.60%

Indicator 5 – Least Restrictive Environment

2012-13 Percentages – 5A: 63.40%; 5B: 11.92%; 5C: 1.80%

Year	Target - 5A	Target - 5B	Target - 5C
	80% or More of Day in Reg. Ed	< 40% of Day in Reg. Ed	Sep. School, Sep. Class, Home
2013-14	65.50%	11.50%	1.70%
2014-15	67.50%	11.40%	1.60%
2015-16	69.50%	11.30%	1.50%
2016-17	71.50%	11.20%	1.40%
2017-18	73.50%	11.10%	1.30%
2018-19	75.00%	11.00%	1.20%

Indicator 7 – Early Childhood Outcomes

2012-13 Percentages – 7A, S1: 88.00%, 7A, S2: 57.80%; 7B, S1: 87.00%, 7B, S2: 55.50%; 7C, S1: 88.60%, 7C, S2: 68.30%

Year	Target – 7A		Target - 7B		Target - 7C	
	Social-Emotional Skills		Acquisition & Use of Knowledge/Skills		Appropriate Behaviors	
	Summary 1	Summary 2	Summary 1	Summary 2	Summary 1	Summary 2
2013-14	92.70%	52.40%	90.50%	57.00%	93.60%	69.00%
2014-15	92.76%	58.60%	90.56%	57.60%	93.66%	69.40%
2015-16	92.82%	59.20%	90.62%	58.20%	93.72%	69.80%
2016-17	92.88%	59.80%	90.68%	58.80%	93.76%	70.20%
2017-18	92.94%	60.40%	90.74%	59.40%	93.82%	70.60%
2018-19	93.00%	61.00%	90.80%	60.00%	93.90%	71.00%

Indicator 8 – Parent Survey

2012-13 Percentage – 91%

Year	Target
2013-14	91.00%
2014-15	91.50%
2015-16	92.00%
2016-17	92.50%
2017-18	93.00%
2018-19	93.50%

Indicator 14 – Post School Outcomes

2012-13 Percentages – 14A: 18.00%; 14B: 52.00%; 14C: 66.00%

Year	Target - 14A	Target - 14B	Target - 14C
	Enrolled in Higher Ed.	Enrolled in Higher Ed. or Competitively Employed	Enrolled in Higher Ed., in Training, and/or Employed
2013-14	23.50%	58.50%	68.00%
2014-15	23.75%	59.00%	68.75%
2015-16	24.00%	59.50%	69.50%
2016-17	24.25%	60.00%	70.25%
2017-18	24.50%	60.50%	71.00%
2018-19	24.75%	61.00%	71.75%