

From: troyandkarenjackson@gmail.com
To: [TISA Rules](#)
Subject: [EXTERNAL] Areas of concern
Date: Thursday, June 9, 2022 1:01:34 PM

I like that the money is connected to the child. I am concerned the students that are already identified with disabilities or at risk already get a larger amount of funding. They currently receive funding through special Ed and title 1. I think funding is needed for all students. We can't forget that the low average, average and above average need funding. All students need equal funding because their education is also equally important.

Sent from my iPhone

From: [Kathy Daugherty](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Characteristics of Dyslexia
Date: Friday, June 10, 2022 5:07:28 PM

Questions about a few sections pertaining to Characteristics of Dyslexia...

Page 2 (7)

Characteristics of Dyslexia---to ensure all stakeholders (outside of education) understand the importance of the subskills of reading acquisition, should the last part of the sentence mention "automatic naming,... **the underlying skills which support the goal of comprehension.**"?

Page 3

Dyslexia Individual Learning Plan or DILP--should you include at the end of the paragraph...'**with exit criteria**' to ensure stakeholders understand once identified, students will not have a DILP for the entirety of their school careers? The goal is to successful exit student from services when no longer needed.

Page 10 (i)

Develop for Students with Characteristics of Dyslexia in grade K-3...should this be a language-focused DILP or a **skills-based focus DILP**?

Also, the last sentence...'**designed to provide access to instruction aligned to grade level academic standards AND targeted, skills-based instruction aligned to the individual needs of the student** (intervention).

Have a blessed day.

Kathy Daugherty

Pre-K-2 Coordinator of Reading and RTI

Murfreesboro City Schools

615-225-9348 ext: 10025

From: [Steven Scott](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Comment concerning the bill
Date: Friday, June 10, 2022 2:22:11 PM

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

There needs to be incentives to bring in more teachers and to keep current teachers. Something to allow teachers the opportunity to utilize all these programs. The system is drowning in resources but starving for manageable-sized classrooms and teachers to use them. So it appears to me that a large portion of this bill is going to be a waste. I teach freshmen, my average class size is approximately 23 students and every year I spend the bulk of the 1st semester trying to urge kids not to set their sights on dropping out, and I consider myself lucky. The ESL program is a must in my community so I agree with the provisions being provided, but who will teach them? Current teachers need to be rewarded beyond their current compensations and new teachers need to be brought in with incentives. Page 27 addresses this in the most half-hearted of attempts and does not reward those who are staying. Please hear me when I say this, there is a mass exodus starting that can not be undone using the current methods. Education needs to be an attractive or at least a stable and benefit rich job to keep and attract more teachers.

The job is not what the students or parents see and is far more time-consuming than what is perceived. What manager who is in charge of 135+ people, who do not want to be there or care to be there, has their job hung on the performance of those they are in charge of? Now if you can consider the very little compensation, and the extreme cost of insurance, I pay over \$900 a month just for myself and my wife. I am 9 credit hours away from my Master's in History with more than 5 years of teaching and I only bring home \$2400 a month. My home is my only debt, \$1084.00 a month, I am lucky as a veteran I have no student loan debt, but other educators do. Some pay as much as \$900-1100 a month for these loans. Other professions with similar educational requirements start in the 60-70K range, and they have their advanced training paid for. I am paying out of pocket for my educational training. I love being a teacher, but if it comes down to it, if I need to leave it to take care of my family with a newborn child, then I will. I have heard the "for the kids" argument but that is being used as a weapon against educators and needs to stop. The financial situation in the country has changed in the past decade and the average teaching salary has not kept up with the average salary. When I finish my Master's degree I will earn 55K a year a full 20K less than the average of somebody with my level of training, according to the article by Cynthia Widemeyer. So why would anyone want to be an educator? Why would we stay an educator? How can a person justify spending their first decade of a profession struggling, knowing that they will financially peak far below the average starting income of the majority of other professions? I see no provisions in this bill that change this and allow education to begin to get fixed. All I am seeing are reactions, there are no proactive measures being implemented. All I see is

resources that are not being filled and categorizing the students, though helpful, is a reaction that is at least 4 years too late. Thank you for your time and efforts.

<https://www.bankrate.com/loans/student-loans/average-college-graduate-salary/>

Steven Scott

Shelbyville Central High School History Dept.

www.scotts-uber-awesome.weebly.com

scotts@bedfordk12tn.net

From: [Moriah Lee](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Copy?
Date: Wednesday, June 8, 2022 8:54:09 AM

Hi,

I miss citizen who is very interested in these TISA process.

Please send a copy of the new rules so I can review them!

Thank you,

Moriah Lee
Sent from my iPhone

From: [Beverly Thompson](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] funding
Date: Wednesday, June 8, 2022 1:44:04 PM

I am a retired Tennessee and Georgia educator. I appreciate the state looking at issues; however, money is not always the answer. I was a title 1 coordinator at a particular school. When I took over, I went to inventory our resources. Much to my surprise there was over \$100,000 of software that had never been opened. It was nicely wrapped in cellophane. I felt we were throwing good money after bad looking for a silver bullet, but the silver bullet at that school was a strong administrator who believed all students could learn, and he only hired staff that believed that as well. Reading scores went up from 11% to 52% over a two year period and continued to rise.

I have seen so much money spent on reading programs that are eventually tossed aside; the training and materials, a waste of time and money.

IF teachers would not rely on programs but instructional based strategies, we would see so many gains. The problem is teachers don't like the time it takes to learn or plan; therefore, they "do their own thing," and administrators allow it. Some teachers are frustrated with constant changes and get discouraged.

I strongly urge you to research and proceed with caution as you plan. Strong, dedicated, teachers are the "silver bullet" in my experience. It is those teachers who put each and every student in their classroom first. They are the ones who review data constantly and adjust. They are the teachers who belong to a strong professional learning community who plan together and assess the needs are those that consistently have good scores. Of course this vision must come from the top. It must have building administrators and central office personnel who articulate the vision and the expectations. "What doesn't get monitored, does not get done." They are the ones that are supportive of these dedicated teachers and of course create the culture that demonstrates that "all students can learn at high levels." These are just some thoughts to consider as you move forward.

--

Bev B Thompson

From: [James Griffin](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Like and Dislike TISA
Date: Friday, June 10, 2022 10:35:54 AM

The new educational funding program TISA, I am VERY EXCITED that Tennessee leaders have chosen to overhaul the antiquated BEP formula. I do have more likes than dislikes when it comes to the approach of TISA, such as, more LEA control of using funds for the individual student and being able to make decisions that directly affect the lives of our students. The basic idea of TISA is a huge step in the right direction for the future success our students. However, the good with TISA will be negated if it is used, as with many educational tools, to not support but destroy the public education system. Those who think just because they went to a school that it makes them an expert in running a school should start listening to the educational experts (TEACHERS and ADMINISTRATION IN THE SCHOOL BUILDINGS) what really needs to be done to take all students to the next step in education.

Please I deplore that EVERYONE, directly and indirectly, to truly come together and sit down and simply listen to one another and put the students of Tennessee first in all conversations to make Tennessee the example that the world strives to be in education.

From: [Emily Murphy \(Dufty\)](#)
To: [TISA Rules](#)
Cc: [Danny Weeks](#); [Ernestine Adams](#); [Mary Collins](#); [Robbie Faulkner](#); [Steve Sorrells](#)
Subject: [EXTERNAL] Locking Down Funding Periods
Date: Tuesday, June 7, 2022 1:01:30 PM

Good Afternoon.

I am writing to ask that funding periods are not “locked down” with TISA. Constant corrections and revisions are found throughout the school year but particularly in preparation for TCAP/EOC testing. Locking down will essentially make the entirety of our job conducted in one small period of the year with the remainder just checking transfers and schedule changes. Entries of codes are also conducted throughout the year due to the hectic nature of the beginning of the year. Locking down the periods will result in a lack of funding due to unfound transfer students and requiring perfection at a time that is incredibly busy. Blocked students are sometimes held for months in large districts. Our funding would be withheld despite our best efforts.

I am not opposed to sending estimates at any time. Large variations from the estimates could cause a flag to be investigated, if needed.

Also, our district, as well as many others, has only one staff member responsible for this task. This would be an overwhelming change that I foresee resulting in many man hours at the beginning of the year.

I am not happy with anything less than perfection. But, this year, I have had one student who will not hit EIS despite every attempt. I have been e-mailing dt.support since December regarding this student, but as of this moment, that one student is still our only error. Despite e-mailing dt.support every other day, the student is still not resolved. There are typically many cases similar to this that require waiting for others for a solution.

Please consider not “locking down” the funding periods. There must be a solution that would appease those who are requesting this change without doing something as drastic.

Thank you,
Emily Murphy
Student Data Manager
Dickson County Schools

Sent from my iPhone

LEGAL CONFIDENTIAL: The information in this e-mail and in any attachment may contain information which is legally privileged and is the property of Dickson County Schools. It is intended only for the attention and use of the named recipient. If you are not the intended recipient, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify the sender and delete this message.

From: [Gary Lilly](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Performance designations changing
Date: Thursday, June 9, 2022 9:27:05 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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I will respond in greater depth after reviewing the rules more closely. One little thing that you may want to change is the TCAP performance designations. The rules refer to “On-track” and “Mastered.” I think those are changing to “Meets Expectations” and “Exceeds Expectations” respectively.

Thanks,



Gary Lilly

Director of Schools

Collierville Schools

Direct: 901-286-6366

Main: 901-861-7000

Fax: 901-861-4940

145 W. Poplar Ave., Collierville, TN 38017



From: [Jill Colvin](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Proposed Student Funding Rules
Date: Wednesday, June 8, 2022 5:18:40 AM

These funding rules are a great move in the right direction!

You may hear a lot of negative feedback but please keep in mind that the majority of parents want authority over their child's education.

Furthermore, I am encouraged to see attention given to dyslexia. I raised a daughter with dyslexia. The public schools offered zero assistance. I think processing deficits are a big cause of behavior issues in the early grades because students feel like failures. These students need to know they are not dumb. In many cases they are very bright and, if encouraged, will be successful entrepreneurs, inventors, and problem solvers because they come at problems from a different angle. My daughter received the most help while attending Junior College and has become quite successful. Today she is a University Librarian with a Masters in Library and Information Studies, a published author, and an instructor at the collegiate level. Her master thesis focused on how libraries can better address the needs of people with dyslexia.

Please continue the great work of empowering parents in their role as chief educator of their children.

Thank you for common sense reform and don't be intimidated by the education industry!

Jill G. Colvin

From: [Bills](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] School funding
Date: Tuesday, June 7, 2022 7:35:02 AM

I DO NOT WANT MY TAX DOLLARS GOING TO PRIVATE OR CHARTER SCHOOLS FOR CHILDREN!!
Yes the last sentence was all capitalized letters for a reason. My tax dollars should never go for a “profit” business and Charter and Private schools are exactly that! Keep school systems public and if people want to send their child to a private school let them pay for that and NOT USE MY TAX DOLLARS to pay for their child in a Charter or Private school!!!

From: [Finchum, Debbie](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] Section 504
Date: Friday, June 10, 2022 9:24:06 AM

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

As the 504 case manager at my school how will these be weighted? Many times we utilize a section 504 for students who need extra help but have not been able to receive special education services because of data collection. Is this considered special education also?

Debbi Finchum

Get [Outlook for iOS](#)

From: [Michael Chai](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] TISA Questions
Date: Tuesday, June 7, 2022 7:22:16 AM

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Good Morning,

I have some questions regarding TISA.

1. I read 4th-grade students would be "allowed to retest" in the FAQ. Is there an additional test these students have to take on top of state-mandated testing and school system benchmarks?
2. Does additional funding come to the system level based on system demographics of Students with Disabilities and Economically Disadvantaged, OR does the funding become earmarked for the specific schools with high levels of these demographics?
3. Will there be additional mandates for students in grades Kindergarten through 3rd grade to support the literacy outcomes? If mandates occur, will funding be part of TISA money budgeted to school systems?



Michael J. Chai

Principal

Arnold Memorial Elementary School

P: 423.472.2241 or 423.472.9877 [fax]

A: 473 8th Street NW, Cleveland, TN 37311

W: clevelandschools.org/o/memorial

E: mchai@clevelandschools.org



From: [Leah](#)
To: [TISA Rules](#)
Subject: [EXTERNAL] TISA
Date: Wednesday, June 8, 2022 8:35:22 AM

I vehemently disagree with giving any public funds to Charter schools! Giving money to Charter schools is like welfare for the rich.

--

Leah Gilliam
615.485.4118

From: [Rachel E. Suppé](#)
To: [TISA Rules](#)
Subject: FW: [EXTERNAL] Additional: NEW TISA "Characteristics of Dyslexia" Language
Date: Wednesday, June 8, 2022 9:44:56 AM

From: Eve Carney <Eve.Carney@tn.gov>
Sent: Tuesday, June 7, 2022 4:26 PM
To: Christy Ballard <Christy.Ballard@tn.gov>
Subject: Fwd: [EXTERNAL] Additional: NEW TISA "Characteristics of Dyslexia" Language

Sent from my iPhone

Begin forwarded message:

From: Eve Carney <Eve.Carney@tn.gov>
Date: June 6, 2022 at 8:16:47 PM CDT
To: Trudy Hughes <Trudy.Hughes@tn.gov>
Subject: Fwd: [EXTERNAL] Additional: NEW TISA "Characteristics of Dyslexia" Language

Sent from my iPhone

Begin forwarded message:

From: Anna Thorsen <athorsen16@yahoo.com>
Date: June 6, 2022 at 5:55:39 PM CDT
To: Jennifer Jordan <Jennifer.Jordan@tn.gov>, Allison McAvoy <reading@epbfi.com>, barbara.adams@wcs.edu, Dale Lynch <dalelynch@tosstn.com>, Eileen Miller <Ignitedyslexia@comcast.net>, Erin Alexander <Erin.Alexander@mtsu.edu>, gearinn@bradfordspecial.com, melissa Johnson <melissa.johnson4@cmcss.net>, Rita Flood <rflood@bradleyschools.org>, Susan Porter <susan.porter@mnps.org>
Cc: Eve Carney <Eve.Carney@tn.gov>, Tess Yates <Tess.Yates@tn.gov>, Lisa Coons <Lisa.Coons@tn.gov>
Subject: [EXTERNAL] Additional: NEW TISA "Characteristics of Dyslexia" Language

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Council,

Upon further reading of the new TISA rules that came out this evening about dyslexia, (find them here: https://www.tn.gov/content/dam/tn/education/legal/TISA_Rules_Final_Draft-6-6-2022.pdf), I have many additional concerns. I will outline my concerns tomorrow once I digest them, but my overall takes are the following:

1. They are much more restrictive than the law.
2. They create barriers for kids getting dyslexia-specific interventions
3. They create massive red-tape for districts who now have to create DILPs.
4. Now it seems there will be 4 levels of dyslexia: unfunded characteristics, funded characteristics, 504 and IEP.
5. There is a ton of grey area now around child find and RTI. If a parent refuses a DILP (see the language), a school still has to provide Dyslexia-Specific Intervention under the law, but unfunded?

I am sure there are some good parts, but it is going to take a ton of work to make this language work with the law, the TN Dyslexia Guide and the RTI manual. Right now, it is impossible to know which item will govern with all the conflicting definitions. These rules should have been reviewed and created by our Council since the law gives us the power to advise the Department on matters relating to dyslexia.

We need to discuss these issues urgently.

Anna

<https://www.tn.gov/content/dam/tn/education/legal/TISA_Rules_Final_Draft-6-6-2022.pdf>

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<IMG_6369.PNG>

Anna Thorsen

Please pardon my spelling, I have dyslexia which is a very common learning disability which affects 1 in 5 people. It is neurobiological in origin and is characterized by difficulties with accurate and/or fluent word recognition, poor spelling and poor use of grammar and punctuation. These difficulties are often unexpected in relation to other cognitive abilities and

*people with dyslexia may have high IQs despite their struggles. **If you have questions about dyslexia, please visit my website dyslexia-untied.com or ask me. Thank you!***

On Monday, June 6, 2022, 5:00 PM, Anna Thorsen
<athorsen16@yahoo.com> wrote:

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We should discuss. To me, the definition is confusingly different than the legal definition

I am excited to hear your thoughts
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On Tuesday, October 5, 2021, 1:04 PM, Jennifer Jordan
<Jennifer.Jordan@tn.gov> wrote:

Good afternoon,

I want to reach out with some exciting updates on staff and structures at the department. As you all are aware, this has been a challenging year. It has changed how we work, where we work. It has also brought new challenges and exacerbated pre-

existing achievement gaps for students with disabilities and other at-risk student populations.

These challenges necessitate an organizational restructure to adapt to where we are now. After considerable thought, discussion, and data analysis; we are excited about the opportunity to embed special education resources and expertise across key offices and teams – to align with work. This realignment is to ensure that supports for students with disabilities doesn't live in a single place but in conversations and considerations across the department. We are aligning our staff and resources where we can ensure that the needs of students with disabilities permeates every decision we make - being at the right table, at the right time; and we believe this new structure will help us accomplish this.

Current points of contact for programs will remain the same; the shifts are within the TDOE divisions:

- Special education instructional programming will move to the Office of Academics (SPDG, transition, speech/language, etc.).*
- Jennifer Jordan, a respected educator with 20 years of work at the district level, including as a former director of special education, will serve as the Assistant Commissioner of Special Education and Intervention Programs.*
- English learner instructional programming will move to the division of ELA, Humanities, and English Learner Programs being led by Dr. Jared Myracle in the Office of Academics.*
- Gary Smith will be joining the Early Childhood Division with the Academics team being led by Assistant Commissioner Misty Moody.*
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will continue to be led by Phara Williams but will be housed in the Department of Intellectual and Developmental Disabilities, alongside TEIS.

- IDEA compliance and Oversight will continue to be within the federal programs and oversight division
- *Theresa Nichols will serve students with disabilities as a program expert on IDEA within the office of general counsel.*

I look forward to ongoing collaborations and engagement with the Dyslexia Advisory Council. Please reach out if you have questions or if I can be of assistance.

Thank you,

Jennifer

<image002.png>

Jennifer Jordan, Ed.D. | Assistant Commissioner
Of Special Education and Intervention Programs
Office of Academics
Remote | Home Office

Gates, TN

(615) 238-1401

Jennifer.Jordan@tn.gov

[tn.gov/education](https://www.tn.gov/education)

#TNBestforAll

We will set all students on a path to success

We believe all children should have the opportunity to read successfully, check out our Reading 360

Plan: <https://www.tn.gov/education/top-links/reading-360.html> .

<https://www.tn.gov/content/dam/tn/education/legal/TISA_Rules_Final_Draft-6-6-2022.pdf.png>

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<image002.png>

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To: [TISA Rules](#)
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Date: Wednesday, June 8, 2022 9:45:21 AM

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<https://www.tn.gov/content/dam/tn/education/legal/TISA_Rules_Final_Draft-6-6-2022.pdf.png>

<IMG_6368.PNG>

<IMG_6369.PNG>

<IMG_6367.PNG>

<image002.png>

From: [Penny Schwinn](#)
To: [TISA Rules](#)
Subject: FW: [EXTERNAL] Ed Trust - TN_ TISA Rulemaking Analysis
Date: Tuesday, May 24, 2022 8:29:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[ET TN TISA Rulemaking Analysis \(1\).pdf](#)



Penny Schwinn, PhD | Commissioner
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[#TNBestforAll](#)
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<https://www.tn.gov/education/tnedufunding.html>

Information on Tennessee's FEDERAL RELIEF FUNDING PLANS AND TN ALL CORPS can be found here:

<https://www.tn.gov/education/top-links/esser.html>

Information on Tennessee's READING 360 INITIATIVE can be found here:

<https://www.tn.gov/education/reading-360.html>

From: Gini Pupo-Walker <gpupo-walker@edtrust.org>

Date: Tuesday, May 24, 2022 at 7:56 AM

To: Penny Schwinn <Penny.Schwinn@tn.gov>

Cc: Charlie Bufalino <Charlie.Bufalino@tn.gov>, Jack Powers <Jack.Powers@tn.gov>

Subject: [EXTERNAL] Ed Trust - TN_ TISA Rulemaking Analysis

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Dear Commissioner Schwinn,

I hope you're doing well – I know it is exciting times at your house with school almost out for the summer!

I'm attaching here our analysis on TISA Rulemaking so far. Please let us know if you or your team have any questions and if there is anything we can do to support this process. We look forward to engaging with Aimee and your team this summer.

Best,

Gini



Gini Pupo-Walker

She/Her/Hers

State Director - Tennessee

Phone: [615-390-6168](tel:615-390-6168)

Mobile: [615-390-6168](tel:615-390-6168)

**11 Willow Street, Suite 11
Nashville, TN 37210**



May 23rd, 2022

Dr. Penny Schwinn, Commissioner
Tennessee Department of Education
710 James Robertson Parkway
Nashville, TN 37243

RE: Tennessee Investment in Student Achievement (TISA) Rulemaking Analysis

Dear Commissioner Schwinn and Department staff,

The Education Trust in Tennessee has appreciated the opportunity to engage on funding reform over the past several months, and to share our feedback on TISA Rulemaking thus far. We are excited about TISA's passage and look forward to continuing to engage throughout the rulemaking process to ensure that students of color, from low-income backgrounds, in rural schools, and learning English are centered in the decision-making process. We submit the following analysis and resources on behalf of The Education Trust in Tennessee (Ed Trust), a non-profit, non-partisan research and advocacy organization. We are committed to improving educational outcomes for all students in our state from pre-K through postsecondary learning, with an explicit focus on closing the achievement and opportunity gaps that persist for students of color, from low-income backgrounds, with disabilities, in rural schools, and English learners.

For more information, please see our resources linked below:

[Dollars & Sense Website](#) with:

- [TISA Analysis & FAQs](#) updated based on passed language
- [School Finance Glossary](#)
- Funding fact sheets by student group:
 - [Funding for Students with Disabilities](#)
 - [Funding for English Learners](#)
 - [Funding for Rural Schools](#)
 - [Funding for Students from Low-Income Backgrounds](#)
- Updated [Basic Education Program Review Guide](#)
- [Dollars & Sense Learning Series](#) (with recordings, readings, & slides for all sessions)

Additionally, our Tennessee staff and national team of school finance and regulation experts would be happy to connect with you and your team further.

Sincerely,

The Education Trust in Tennessee

Rulemaking Component	TISA Law	TISA Draft Rulemaking Proposal	Our Recommendations	Analysis	Questions for Consideration
<p>Unique Learning Needs: English Learners (ELs)</p>	<p>-15%-150% weight for Unique Learning Needs (ULN) with 10 different levels</p> <p>-English Learners must have an individual learning plan and ULN rulemaking must align with TNSBE's rules</p> <p>-TNSBE will issue a positive, negative, or neutral recommendation on TDOE proposal before rulemaking</p> <p>-Rulemaking will determine how English learners are identified and differentiated across the 10 levels</p>	<p>-TDOE provided documentation on how ELs may be distributed across the 10 ULN categories</p> <p><u>EL 1 = ULN 2 @ 20%</u> -Long-term (LTEL), transitioning (T1 & T2), and waived EL students -Based on WIDA/TCAP</p> <p><u>EL 2 = ULN 4 @ 60%</u> -Based on years identified as an EL with pathways based on formal schooling and first language literacy -Based on WIDA, TCAP, and/or Industry Credential</p> <p><u>EL 3 = ULN 5 = 70%</u> -Based on years identified as an EL with pathways based on formal schooling and first language literacy -Based on WIDA</p>	<p>-Students are assigned to one of 3 tiers based on the following student characteristics:</p> <p><u>EL 1 = ULN 2 @ 20%</u> -WIDA ACCESS Levels 4.4+, including transitioning ELs -Waived students</p> <p><u>EL 2 = ULN 4 @ 60%</u> -WIDA ACCESS Levels 3.0-4.3 -Newcomers/Recently Arrived English Learners (RAEL)</p> <p><u>EL 3 = ULN 5 = 70%</u> -WIDA ACCESS Levels 1.0-2.9 -Students with Limited or Interrupted Formal Education (SLIFE) & Long-term English Learners (LTEL)</p> <p><u>Other considerations:</u> -Students whose native languages are less common in the district -Number of English learners in a district relative to total student population -Formal schooling and first language literacy</p>	<p>-20-70% ULN weights add \$1,372 to \$4,802 in additional funding for each English learner as proposed, which provides strong and differentiated supports for students learning English</p> <p>-Increased TNSBE involvement encourages more collaboration for a potentially stronger result</p> <p>-Inconsistent measures across levels (e.g., WIDA, TCAP, and industry credential) decrease stakeholder transparency and district and state efficiency. ELs should be identified using primarily WIDA or TCAP in cases in which the student would benefit from additional resources</p> <p>-Aligning with national RAEL and SLIFE designations and current TNSBE rules increase stakeholder transparency and efficiency</p> <p>-Students w/ Limited or Interrupted Formal Education (SLIFE) require significant supports to promote their success (ELN 3/ULN 5)</p> <p>-Incorporating formal schooling and first language literacy supports students with different pre-existing access to education</p> <p>-Additional funding for students whose native languages are less common in the district or are one of a few ELs in their district support diseconomies of scale. The State can set a minimum EL count for districts with few EL students and provide funding on that inflated basis to ensure sufficient scale to provide a program.</p>	<p>-How will stakeholder engagement be included to determine ULN rulemaking?</p> <p>-How will the State monitor and evaluate ULN weights and adjust as needed? How will they solicit and incorporate stakeholder feedback?</p> <p>-EL 1 & 2 currently have multiple assessment options. How will those options be weighed against each other, and who is responsible for this determination? How will this align with TN's existing ESSA plan?</p> <p>-How will students who have not exited EL status after 7 years receive funding and services to ensure their needs are met?</p> <p>-How will formal schooling and a student's literacy in their primary language be measured?</p> <p>-How will the State address diseconomies of scale when there are few English learners overall despite still needing teachers and resources to support their learning?</p> <p>-How will the State support parents/caregivers, school/district staff, and others to understand the 10 different levels?</p>

Rulemaking Component	TISA Law	TISA Draft Rulemaking Proposal	Our Recommendations	Analysis	Questions for Consideration
<p>Unique Learning Needs: Students with Disabilities</p>	<p>-15%-150% weight for Unique Learning Needs (ULN) with 10 different levels</p> <p>-ULN includes students with disabilities, with characteristics of dyslexia, identified as gifted</p> <p>-TNSBE will issue a positive, negative, or neutral recommendation on TDOE proposal before rulemaking</p> <p>-Rulemaking will determine how students with disabilities are identified and differentiated across the 10 levels</p>	<p>-TDOE provided documentation on how students with disabilities may be distributed across the 10 ULN categories currently based on hours of services per week and other select factors (e.g., homebound)</p> <p>-During legislative hearings, TDOE stated they look forward to revising the current Special Education Option Codes based on best practices (e.g., identifying students with disabilities through IEP and 504 skills) during rulemaking</p>	<p>-Students are assigned to one of multiple tiers based on the skills and abilities listed in an IEP or 504, increasing funding for students with more significant needs</p>	<p>-15-150% ULN weight adds \$1,029 to \$10,290 in additional funding for each student with disabilities</p> <p>-Assigning students with disabilities across multiple levels allocates resources to differentiate support</p> <p>-Funding primarily based on time does not capture cost nuances because one hour of services can cost vastly different amounts based on teacher to student ratios and costs of services and interventions that may take the same amount of time</p> <p>-Increased TNSBE involvement encourages more collaboration for a potentially stronger result</p>	<p>-How will stakeholder engagement be included to determine ULN rulemaking?</p> <p>-How will the State monitor and evaluate ULN weights and adjust as needed? How will they solicit and incorporate stakeholder feedback?</p> <p>-How is TDOE considering the different identification options to determine which students will be in each of the 10 ULN categories (e.g., IEP/services, diagnosis, time, and placement)?</p> <p>-What specific auditing and monitoring procedures will the State use to ensure that students are not under or overidentified based on their identity? Will the TISA Review Committee monitor and evaluate ULN differentiation?</p> <p>-How will the State support parents/caregivers, school/district staff, and others to understand the 10 different levels?</p>

Rulemaking Component	TISA Law	TISA Draft Rulemaking Proposal	Our Recommendations	Analysis	Questions for Consideration
Direct Funding	<p>-Rulemaking will determine direct allocation amounts</p> <p>-TNSBE will issue a positive, negative, or neutral recommendation on TDOE proposal before rulemaking</p> <p><u>-Allocates additional funding for:</u></p> <ul style="list-style-type: none"> -4th-grade literacy tutoring for students who score 'below' or 'approaching' on 3rd-grade ELA TCAP -CTE based on tier and student year -Postsecondary readiness assessments (i.e., ACT & retake) -K-3 students -Charter students (previously included as a weight) 	<p>-TISA Press Conference referenced \$376M overall for this component</p> <p>-Allocated per student to LEAs (excluding postsecondary readiness assessments)</p> <p>-TDOE and legislators shared in multiple legislative hearings that the charter direct funding would be the same as its current allocation, around \$16M, but it depends on annual budget allocations</p>	<p>-Large majority of funding should be allocated through the base and weights to ensure stability and flexibility for districts</p> <p>- Regularly monitor and evaluate outcomes funding through the TISA Review Committee</p>	<p>-Based on the TISA Press Conference, direct funding will make up approximately 4% of the total \$9B in state and local funding for 2024</p> <p>-Increased TNSBE involvement encourages more collaboration for a potentially stronger result</p>	<p>-How will the State adjust or modify different initiatives that receive direct funding in the future? How will stakeholder engagement be included?</p> <p>-How will the State evaluate the impact of programs receiving direct funding?</p>

Rulemaking Component	TISA Law	TISA Draft Rulemaking Proposal	Our Recommendations	Analysis	Questions for Consideration
<p>Outcomes Funding</p>	<p>-TDOE allocates funding per student to LEAs, subject to available appropriations and relative to students in other LEAs using previous year data</p> <p>-TDOE will convene relevant stakeholders (based on member list in legislation) to advise on outcome incentive dollars and outcome goals</p> <p>-TDOE determines outcome goals based on rulemaking</p> <p>-TNSBE will issue a positive, negative, or neutral recommendation on TDOE proposal before rulemaking</p>	<p>-TDOE projected \$104.4M in outcomes funding</p> <p>-TDOE provided documentation on potential outcomes-based funding priorities that include 3rd-grade reading proficiency, workforce credentials, college-ready ACT scores or significant improvement on the retake, with double funding for students who qualify as ‘economically disadvantaged’</p>	<p>-Large majority of funding should be allocated through the base and weights to ensure stability and flexibility for districts</p> <p>-Metrics should be tied to existing, growth-based measures (e.g., 3rd and 8th-grade math and reading growth and Ready Grad growth) to promote stakeholder transparency, efficiency, and evaluation</p> <p>-Identify students from low-income backgrounds, in rural schools, with disabilities, and English Learners for additional outcomes-based funding</p> <p>- Regularly monitor and evaluate outcomes funding through the Outcomes or TISA Review Committee</p>	<p>-Based on the TISA Press Conference, outcomes-based funding will make up approximately 1% of the total \$9B in state and local funding for 2024</p> <p>-Increased TNSBE involvement encourages more collaboration for a potentially stronger result</p> <p>-Requiring a recurring advising group with diverse stakeholders will increase transparency and stakeholder engagement</p> <p>-TDOE indicated their interest in growth through the ACT retake but does not currently include other proposed measures</p> <p>-Outcomes-based funding does include additional funding for students from low-income backgrounds but does not include other student groups identified for additional funding in the weights (e.g., English learners, students with disabilities, and in rural schools)</p>	<p>-How will TNGA determine outcomes-based funding allocations every year? What role will TDOE and other stakeholders play? What factors should be considered?</p> <p>-How will TDOE effectively incorporate stakeholder feedback into rulemaking? Will the meetings be recorded and summarized to increase stakeholder transparency?</p> <p>-What formula or allocation strategy will TDOE use to allocate outcomes-based funding?</p> <p>-Will TDOE publish the amount of available funding each year for outcomes funding, how districts performed on each of the goals, and which districts were awarded funding (including funding amounts overall, per student, and disaggregated by students identified for additional funding)?</p>

From: [Penny Schwinn](#)
To: [TISA Rules](#)
Subject: FW: [EXTERNAL] Recommendations on Student Outcome Incentives
Date: Tuesday, May 17, 2022 11:42:52 AM
Attachments: [image001.png](#)
[TISA Student Outcome Incentives SCORE Recommendations.pdf](#)



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Information on Tennessee's **READING 360 INITIATIVE** can be found here:

<https://www.tn.gov/education/reading-360.html>

From: David Mansouri <david@tnscore.org>
Date: Friday, May 13, 2022 at 9:39 AM
To: Penny Schwinn <Penny.Schwinn@tn.gov>, Eve Carney <Eve.Carney@tn.gov>
Cc: Aleah Guthrie <aleah@tnscore.org>
Subject: [EXTERNAL] Recommendations on Student Outcome Incentives

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Commissioner and Eve – I hope you are well and happy Friday!

As the TDOE begins the process to implement TISA, I am reaching out to share a recommendations memo (see attached) that our team has developed related specifically to the student outcome incentives component within TISA. As you know, there are many important considerations when designing these incentives – such as Tennessee’s existing accountability system, promising practices in K-12 incentive programs, and ensuring that every district has the opportunity to earn rewards. It’s our hope that these recommendations will be helpful to you in conversations you are having to develop the framework for student outcome incentives.

Please let me know if a follow up conversation with our team would be helpful. We are continuing to work through recommendations and suggestions on various components of initial implementation and would glad to be helpful in that process as it makes sense.

Best,
David

David Mansouri

President & CEO

State Collaborative on Reforming Education (SCORE)

david@tnscore.org

615.727.1545 (office) | 615.545.0409 (mobile)



Online: tnscore.org

Twitter: [@SCORE4Schools](https://twitter.com/SCORE4Schools) | [@davemansouri](https://twitter.com/davemansouri)

Facebook: [SCORE4schools](https://www.facebook.com/SCORE4schools)

TISA Student Outcome Incentives

Context: The Tennessee General Assembly passed the Tennessee Investment in Student Achievement (TISA) Act in April 2022. One part of the new funding formula is “student outcome incentives”, which are per-student additional dollars that districts receive for achieving certain outcomes. TDOE proposed some draft outcome measures in the incentive funding section of the [first TISA overview](#). TISA legislation requires the Commissioner of Education to convene a committee to advise on the outcome measures and the incentive award amounts.

Recommendations

The Ready Graduate measure, Tennessee’s existing measure of college and career readiness, should be the primary student outcome measure for incentive funding.

- **Rationale:** Ready Graduate is Tennessee’s measure for whether a school district has prepared a student for long-term success in postsecondary education and the workforce. It is a measure that encompasses multiple pathways for success across college and career. Since it is part of Tennessee’s state accountability system, schools and districts are already familiar with the Ready Graduate measure and the state already collects data to determine whether this measure is being met.

There are multiple pathways to be considered a Ready Graduate, including:

- Scoring a 21 or higher on the ACT,
- Completing 4 Early Postsecondary Opportunities (EPSOs) such as Advanced Placement, Dual Enrollment, Cambridge International, and Industry Certifications,
- Earning an industry certification in a CTE program of study and completing 2 EPSOs, or
- Scoring a designated score on the Armed Services Vocational Aptitude Battery Armed Forces Qualifying Test and completing 2 EPSOs.

Other measures should be considered, and TDOE should provide a thorough analysis with current and prior data to understand how districts are impacted to ensure the measures are incentivizing the intended behaviors.

- **Rationale:** Though it is important to limit the number of outcome measures to focus district and school improvement efforts, Ready Graduate cannot be the single measure as some districts only serve grades K-8. Other potential outcome measures to study are 3rd and 8th grade reading and/or math with careful attention to identify growth measures. For example, an 8th grade individual student math TVAAS score or other growth measures. For all measures, detailed data analysis is necessary to understand potential implications. Analysis can help committee members prioritize outcome measures that ensure all districts have the opportunity to demonstrate success.

Districts should receive incentive funding for all students achieving the chosen measures. However, additional funding should be awarded for students achieving the outcome measure who are economically disadvantaged.

- **Rationale:** Significantly larger incentive funds for economically disadvantaged students will ensure districts are rewarded for prioritizing support to the highest-need students. Additionally, prioritizing individual student needs is aligned with the overall student-focused approach of TISA.

The total outcome incentive funding amount should be a low percentage of overall education funding.

- **Rationale:** If incentive funding is a significant driver of total district allocations, it will be difficult to plan budgets in the appropriate time frame. Furthermore, shifts in incentive funding received (as a result of changes to allocations and/or student performance) could lead to volatility in funding that would be challenging for district leaders, school staff, and students.

Continue the outcomes review committee beyond initial measure selection and rulemaking.

- **Rationale:** The outcomes review committee should establish a recurring meeting for ongoing data analysis, reviews, and identification of opportunities for improvement. Members can help ensure that the outcome incentive funding, a new practice for Tennessee, effectively incentivizes positive, strategic district behaviors.

Policy Considerations

When discussing potential outcome incentives, there are several key policy considerations to elevate.

Consideration	Description
Measures	<p>The measures through which schools receive additional funds based on their performance.</p> <p>It is important for outcome measures to be aligned to state goals and targeted to maximize impact so districts can have a focused strategy rather than being pulled in many different directions. Key considerations:</p> <ul style="list-style-type: none"> • What are the state’s goals, and how do the outcome measures align? • Are districts familiar with the outcome measures? • Will the data for the outcome measures be easily collected? • Are the chosen outcome measures targeted to incentivize strategic action?
Stakes	<p>The amount of incentive funding and the way funds are allocated.</p> <p>TISA allocates incentive funds as additional or <i>bonus</i> money outside of the money generated by the base and weights. Still, even as a bonus, if a significant amount of money is tied to outcome measures, there is a risk that funding allocations will become unpredictable. Key considerations:</p> <ul style="list-style-type: none"> • How much of district funding allocations will be driven by incentive funding? • How will districts predict potential changes to incentive funding in their budgets? • How should districts and schools plan without knowing how much incentive funding they may receive?
Fairness	<p>Whether the outcomes incentive funding system ensures a fair chance for all to succeed.</p> <p>Tennessee cannot achieve its statewide goals if lower-performing districts do not improve – but change does not happen overnight. Outcome measures should be crafted to incentivize growth and ensure that resources are going to districts with the greatest need. Key considerations:</p> <ul style="list-style-type: none"> • How can the state reward growth through the chosen outcomes measures? • How much extra funding will be awarded for meeting goals for students with greater learning needs?
Ongoing Monitoring	<p>The formal structures in place for ongoing monitoring of outcomes incentive funding.</p> <p>As outcomes incentive funding is a new concept in Tennessee’s K-12 education finance landscape, consistent analysis of data, review of district spending choices, and identification of areas for improvement are essential. Key considerations:</p> <ul style="list-style-type: none"> • Will this committee meet again to monitor and make recommendations regarding ongoing implementation of outcomes incentive funding to ensure a fair, effective system? If not, what process will be put in place for ongoing monitoring and recommendations? • How much incentive funding is awarded and how is it spent?

Other State Examples

Overall, incentive funding for student outcomes is relatively new in K-12 education finance. However, a few states have implemented various forms of incentive funds.

- **Florida’s** school funding formula includes a “[bonus FTE program](#)”. This funding program provides additional, bonus money to districts for a range of student outcomes, including when students pass AP classes with a score of three or higher and when students with a 3.0 GPA or better receive an associate degree.
- **Arizona** has a separate [Results-Based Funding Fund](#). This fund rewards the highest-performing schools with additional funds, with bigger incentives for reaching goals with high-need students.
- **Texas** operates a [College, Career, or Military Readiness \(CCMR\)](#) outcomes bonus program within its funding structure based on the percentage of graduates who achieve a CCMR indicator. In this model, economically disadvantaged students receive a higher award and more than half of the funds received by the district must be spent on activities related to college, career, and military readiness.

From: [Kim Kredich](#)
To: [TISA Rules](#)
Subject: Fwd: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee
Date: Thursday, June 9, 2022 7:02:04 PM
Attachments: [image001.png](#)
[image001.png](#)

Sent from my iPhone

Begin forwarded message:

From: Kim Kredich <kimkredich@gmail.com>
Date: June 9, 2022 at 7:59:07 PM EDT
Cc: knox-county-education-coalition@googlegroups.com
Subject: Fwd: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Please see this information that I sent over several months via email to the disabilities/gifted funding subcommittee.

While the new funding mechanism appears to take a good step back to the 10 Options (vs the collapsed-into-4), please realize this simply reverts to what was acknowledged as incentivizing restrictive educational placements for students with disabilities and therefore continues to violate IDEA.

I am always available to discuss this issue so that students' educational rights are honored and re-litigation is avoided.

I would greatly appreciate confirmation of the receipt of this email.

Sincerely,
Kim Kredich

P.S.

https://drive.google.com/drive/folders/16EzsGneEjvSfbTIF-fXh35fjeFzU_aX

Within the email thread is this link to a Google folder with documents relevant to this issue.

Sent from my iPhone

Begin forwarded message:

From: Brad Turner <Brad.Turner@tn.gov>
Date: January 12, 2022 at 5:14:16 PM EST
To: Kim Kredich <kimkredich@gmail.com>
Subject: Re: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Thanks Kim! Actually just sent your email up the ladder to be included as feedback.

Brad Turner | Commissioner
Dept. of Intellectual & Developmental Disabilities

On Jan 12, 2022, at 3:46 PM, Kim Kredich <kimkredich@gmail.com> wrote:

Please note my typo— should be “special class” (instead of “specific class”)

The piece that is missing is, for example, what would be different in funding an aide in the general ed setting vs an aide in a *special* class. The new funding formula needs to NOT incentivize placement of students with disabilities in a segregated setting as it does now.

Sent from my iPhone

On Jan 12, 2022, at 7:54 AM, Kim Kredich <kimkredich@gmail.com> wrote:

Hi, Brad — hope you are well.

I just got a look at the funding formula draft, and before I submit my feedback I wanted to ask if your subcommittee had the details regarding how services in different settings (Gen Ed environment which includes Resource Room and push-in support of sped teachers and/or paraprofessionals VS Comprehensive Developmental Classroom placement) are being funded to comply with IDEA. Specifically, how is this area of funding aligned with incentivizing inclusive vs segregated placement of students with involved disabilities?

Right now it only lists the obvious (well, obvious for those who understand special ed funding) in that different levels of funding would apply based on a student's needs as documented in the IEP. The piece that is missing is, for example, what would be different in funding an aide in the general ed setting vs an aide in a specific class. The new funding formula needs to NOT incentivize placement of students with disabilities in a segregated setting as it does now.

Again, I am hoping to avoid re-litigation of this issue and am trying to figure out how to shine a bright light on this aspect of the decision before it is in front of the legislature. I still have not heard anything as of the January 4th subcommittee meeting that mentions this legal requirement and that that worries me very much.

Thanks,

Kim

2

Unique Learning Needs

- This funding weight would ensure districts can make strong spending decisions to meet the student-specific contexts within their local community, which can vary dramatically across districts. It would provide a tiered approach to ensure appropriate funding for Students with Disabilities, Gifted, English learners, and students with qualified Section 504 Dyslexia plans.
- **Data:** Must have federal/state plan and be verified through existing state test/assessment.
- **Impact:** Varies based on student services received. Students would be eligible for funding for each of the service(s) received and are not limited to one category.
- **Weight Comparability:** Varies based on specific student needs (heavy, moderate, light).

Charter Schools

- This funding weight would ensure that when a charter school utilizes a school facility owned by the local school district and incurs all rent plus maintenance and improvement costs to provide school facilities for their students, additional funding will be available to support in-classroom services and resources for students.

Sent from my iPhone

On Dec 13, 2021, at 11:59 AM, Brad Turner <Brad.Turner@tn.gov> wrote:

You too!



Brad Turner | Commissioner
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315 Deaderick St., Nashville, TN 37243
p. 615-532-5970 f. 615-532-9940
brad.turner@tn.gov
tn.gov/didd
[@didd_tn](https://twitter.com/didd_tn)

From: Kim Kredich <kimkredich@gmail.com>
Sent: Monday, December 13, 2021 10:09 AM
To: Brad Turner <Brad.Turner@tn.gov>
Subject: Re: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Thank you so much, Brad! Hope you have a fun and safe holidays! 🎁

Kim

Sent from my iPhone

On Dec 13, 2021, at 10:26 AM, Brad Turner <Brad.Turner@tn.gov> wrote:

Thanks Kim! I just sent this over to our DOE point of contact and asked for review.

This is good stuff and I appreciate you sharing!



Brad Turner | Commissioner
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brad.turner@tn.gov
tn.gov/didd
[@didd_tn](https://twitter.com/didd_tn)

From: Kim Kredich <kimkredich@gmail.com>
Sent: Sunday, December 12, 2021 11:09 AM
To: Brad Turner <Brad.Turner@tn.gov>; tnedu funding <tnedu.funding@tn.gov>;
coalition@tndisability.org; Wendy Tucker <Wendy.Tucker@tn.gov>
Subject: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

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Hello, all-

Thank you again for your hard work in addressing the needs of students with disabilities/ giftedness in the BEP overhaul process.

I listened to the most recent subcommittee meeting this past week and was excited to hear Carol mention the need to consider that 1:1 aides be added to the "pupil weight" as a must have on top of the base. I also appreciated Brad's acknowledgment of my comment ("If we fund it...") but the second part was not "they will come"— it was "they will include." I say this because the kids are already placed somewhere and their services are funded through the current BEP formula. So perhaps I should have said "If they incentivize inclusive placements, schools will include."

The state is already funding aides, but incentivizing that support in Special Classes (Comprehensive Developmental Classrooms) on the continuum of placement options instead of as supplementary supports in the general education environment. This is what TDOE admitted in the first place and what Tom Parrish's report on the supposedly improved formula confirmed. TDOE's bogus response to my 2018 administrative complaint simply adds fuel to the potential re-litigation fire since now TDOE has to stick with what it wrote in its response and determination of "no violation" when it chose to investigate itself instead of have an outside agency investigate the allegations.

So again, I want to guide your attention to the fact that there is a legal microscope focused on this process of revamping the Special Ed funding mechanism, with re-litigation preparations put on hold (happily) in genuine hope that the new funding formula complies with IDEA by supporting (vs discouraging) inclusive educational placements for students with disabilities as per the right to be educated in their Least Restrictive Environment.

The Google Drive folder below has a lot of information regarding the history of non-compliance by TDOE. There are ways the state could tweak the existing Resource-based formula to move toward compliance with IDEA, but I know your committee has been tasked with shifting to a student-based formula as per Governor Lee's and Commissioner Schwinn's directives.

https://drive.google.com/drive/folders/16EzsGneFjvSfbTIF-fXh35fjZeFzU_aX

Given this task— which I view as an incredible opportunity to finally "get it right" (funding to properly support and uphold the educational rights of students with disabilities), I firmly believe the way to structure a student-based formula that complies with the state funding mechanism requirement (below), is to **grant students with pervasive disabilities** who are either on alt assessment or whose content is necessarily modified to the point that they do not meet the standards for coursework leading to a regular diploma **enough added funding if the "special ed aide in the general setting" is on the services page for the vast majority of the day to support appropriate/possible general education placement.**

(b) Additional requirement—State funding mechanism—

(1) General.

(i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

We need some focused efforts/ damage control to shift from decades of unnecessarily restrictive routine placement of students with pervasive disabilities resulting from Tennessee's past and current faulty funding mechanism. Alison Gauld at TDOE has many phenomenal plans and resources to include students with low-incidence disabilities, but these cannot be implemented in earnest if the state funding is pulling districts in the opposite direction. What I mean by that is currently **too many special ed teachers and paraprofessionals are tied to segregated/ self-contained settings because of the funding formula.** Our state needs to shift the service delivery configuration to **most sped teachers pushing in their consultative or even direct special ed expertise in the form of IEP services to support regular education teachers and TA's /aides/ paraprofessionals in the regular ed environment.** Of course we still must provide a full continuum of placement options, but the rarity of a student with a pervasive disability not being able to be educated satisfactorily (access the general curriculum and make progress in IEP goals) with the support of an instructional assistant in the general education setting necessitates far fewer self-contained classrooms than currently exist.

I often use the analogy of one of my favorite animated movies, How to Train Your Dragon. All the townspeople think the dragons are terrible and mean because they are stealing the sheep from the island. This is the culture in districts when parents are made to fight to get their children's basic inclusive rights met under IDEA. However, it turns out that the dragons stealing the sheep are actually doing what the evil huge alpha dragon is requiring them to do. The current funding mechanism (huge dragon) is forcing districts to do the wrong thing when determining placements for students with disabilities. In Knox County, parents are routinely forced to file for due process to get the district to comply with IDEA (KCS usually settles and then pays attorney fees to the

parents' counsel). Hundreds of thousands of taxpayer dollars are being spent on lawsuits, but our district has calculated that this is still a better route than complying with the law, in large part due to the funding formula structure in place.

Your subcommittee has a chance to "replace the evil dragon" and enlighten TDOE on its responsibilities (and risk of litigation).

I am writing all of this because I have not heard any specific discussions in your subcommittee meetings thus far that focus on complying with IDEA funding mechanism requirements as an essential "must have."

Please feel free to contact me with any questions regarding the information I have supplied thus far.

Sincerely,

Kim Kredich

Sent from my iPhone

On Nov 28, 2021, at 10:57 PM, Kim Kredich <kimkredich@gmail.com> wrote:

Dear Mr. Turner,

Thank you for leading the subcommittee representing the needs of students with disabilities/ giftedness in this incredibly important funding discussion.

I have listened intently to your two subcommittee meetings and have attended virtually each of the Public Town Hall events (with one left to go this Tuesday). I spoke at the November 2nd Town Hall in Knoxville and my prepared statement is pasted below to give you some reference as to what I feel is a "Must Have" in your proposal to the legislature: **The state funding mechanism for special education must be made in compliance with IDEA to not incentivize unnecessarily restrictive educational placements.**

I am excited to hear your subcommittee members talk about all aspects of this funding issue. Several members raised important points about what information is out there already from other states, and I wanted to make sure you all had the 2018 report on our own state by Tom Parrish, widely known as the guru in special ed state funding formula analyses. This all came about because of the 2015 lawsuit by three Knox County families (for whom I advocate on a volunteer basis), alleging that Tennessee's funding mechanism for special education violated IDEA by incentivizing restrictive placements.

Without going into detail, the same issue litigated in *WH et al vs. TDOE* has been primed for re-litigation due to the state's "improved" formula actually making the problem worse. That is, until Governor Lee announced this BEP overhaul! While I am not certain Governor Lee understood the legal implications of presenting a brand new funding formula in such a short time that must align with IDEA, I think your committee can put forth a student-based funding mechanism that will move our state out of non-compliance and into a new era of inclusive special education service delivery configuration to support our students' rights to being educated in their Least Restrictive Environment.

Please pass along this report by Tom Parrish to your committee members (I have cc'd Carol Westlake as vice-chair, and also Wendy Tucker whom I know via Erin Richardson from SEAC days) and also the public comment documents to give some context to the report.

I also want to provide some information regarding potential student-based funding for intellectually gifted (IG) students. I have brought up the huge discrepancies among school districts in terms of the number of IG IEPs (see list below) at several State Special Ed Advisory Council meetings and even asked a parent in Roane County whose 8th grader has completed almost his full Math major requirements at UT to come and speak of their struggles in advocating for their son's needs. (Below is the transcript of 13 year old Lucas Hinds, with permission to share from parents.)

If districts potentially receive money for students with IG IEP eligibility, the standard for such eligibility must be set to disallow the clear misuse of IG to track students with good test scores into separate course sections. What do we mean by "gifted" as it relates to student-based funding?



Lucas Tristham Hinds

Period Semester	Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	GPA
(Spring 2019) 2020	MATH	141	UG	Calculus I Proficiency Exam Credit	A	4.000	16.00	4.00
(Summer 2019) 2020	MATH	142	UG	Calculus II Proficiency Exam Credit	A	4.000	16.00	4.00
(Fall 2019) 2020	MATH	241	UG	Calculus III Proficiency Exam Credit	A	4.000	16.00	4.00
(Spring 2020) 2020	MATH	231	UG	Differential Equations I Proficiency Exam Credit	A	3.000	16.00	4.00
Fall 2020	MATH	307	UG	Hon:Intro/Abstract Mathematics	A	3.000	12.00	4.00
Spring 2021	MATH	341	UG	Introduction to Analysis	A	3.000	12.00	4.00
Fall 2021	MATH	351	UG	Intro to Abstract Algebra	A	3.000	12.00	4.00
Spring 2022	MATH	443	UG	Complex Variables				

Overall Totals 24.000 100.00 4.00

2016-2017 -- Count of IEPs for Intellectually Gifted per district

School District Total Students

- Achievement School District 56
- Alamo City School *
- Alcoa City Schools *
- Anderson County Schools 28
- Arlington Community Schools 616
- Athens City Schools 22
- Bartlett City Schools 699
- Bedford County Schools 25
- Benton County Schools 40
- Bledsoe County Schools 63
- Blount County Schools 14
- Bradford SSD 14
- Bradley County Schools 67
- Bristol TN City Schools 22
- Campbell County Schools *
- Cannon County Schools 21
- Carter County Schools 53
- Cheatham County Schools 12
- Chester County Schools 11
- Claborn County Schools 73
- Clay County Schools 11
- Cleveland City Schools 90
- Cocke County Schools 119
- Coffee County Schools 180
- Collierville 1091**
- Crockett County Schools 10
- Cumberland County Board of Education 34
- Dayton City Schools *
- Decatur County Schools 32
- Dekalb County Schools 146
- Dickson County Schools 146
- Dyer County Schools 119
- Dyersburg City Schools 116
- Elizabethton City Schools 52
- Etowah City School *
- Fayette Public County Schools 21
- Fayetteville City Schools 24
- Fentress County Schools 75
- Franklin County Schools 33
- Franklin SSD 19
- Germantown 794
- Gibson County School District 82
- Giles County Schools 70
- Grainger County Schools 21
- Greene County Schools 69
- Greenville City Schools 24
- Grundy County Schools 12

Hamblen County Schools 26
Hamilton County Department of Education 3166

Hancock County Schools *
Hardean County Schools 87
Hardin County Schools 21
Hawkins County Schools 22
Haywood County Schools 103
Henderson County Schools 53
Henry County Schools 137
Hickman County Schools *
Hollow Rock Bruceton 43
Houston County Schools 96
Humboldt City Schools 16
Humphreys County Schools *
Huntingdon SSD 68
Jackson County Schools *
Jackson Madison Schools 379
Jefferson County Schools *
Johnson City Schools 206
Johnson County Schools 74
Kingsport City Schools 11

Knox County Schools 38

Lake County Schools *
Lakeland 174
Lauderdale County Schools 156
Lawrence County Schools 28
Lebanon Special School District *
Lenoir City Schools *
Lewis County Schools *
Lexington City Schools *
Lincoln County Schools 27
Loudon County Schools 97
Macon County Schools *
Manchester City Schools 51
Marion County Schools 25
Marshall County Schools 27
Maryville City Schools *
Maury County Schools 444
McKenzie SSD 54
McMinn County Schools 231
McNairy County Schools 30
Meigs County Schools 45
Metro Nashville Public Schools 210
Milan Special School District 50
Millington 147
Monroe County Schools 204
Montgomery County Schools 976
Moore County Schools *
Morgan County Schools 21
Murfreesboro City Schools 110
Newport City Schools *
Oak Ridge Schools 248
Obion County School 133
Oneida SSD *
Overton County Schools 68
Paris SSD 32
Perry County Schools 20
Putnam County Schools 143
Rhea County Schools 18
Richard City SSD 10
Roane County Schools 203
Robertson County Schools 483

Rutherford County Schools 2200

Scott County Schools *
Sequatchie County Schools 77
Sevier County Schools 108

Shelby County School District 5632

Smith County Board of Education 29
South Carroll SSD 15
State Board of Education *
Stewart County Schools *
Sullivan County Schools 54
Summer County Schools 975
Sweetwater City Schools 16
Tennessee Department of Children's Services 18
Tipton County Schools 342
TN School for the Blind *
Trenton SSD *
Trousdale County Schools *
Tullahoma City Schools 28
Unicoi County Schools 25
Union City Schools *
Union County Schools 67
Van Buren County Schools 22
Warren County Schools 204
Washington County Schools 113
Wayne County Schools 41
Weakley County Schools 61
West Carroll SSD 23
White County Schools 65

Williamson County Schools 1886

Wilson County Schools 41
Grand Total 26381

I look forward to virtually attending your subcommittee's upcoming meeting and I hope I have provided helpful information thus far.

Thanks very much for the work you all are doing on behalf of students with disabilities and giftedness.

Sincerely,

Kim Kredich

P.S. One of our grown sons, Ben, who now participates in the ECF Choices program (huge thanks for this support from your department!!!), also spoke at the November 2nd Town Hall at UT-Knoxville along with two mothers of current Knox County School students with disabilities. I have attached their statements to this email.

TDOE Sped Funding Public Comment Nov 2

November 2nd Town Hall Meeting – Funding Discussion

Public comment by Kim Kredich

kimkredich@gmail.com

Thank you for holding these town halls. I am here to talk about the Special Education funding piece of the BEP formula. I am, quite honestly, thrilled to see a full reconsideration of the BEP funding formula because it forces a new and hopefully very informed decision to be made regarding the Special Education funding mechanism that **must be made in compliance** with the Individuals with Disabilities Education Act law, or IDEA.

I want to specifically comment on what this means for students with disabilities – like one of our three sons, Ben – whose unique physical, instructional, and sign language interpreting needs necessitate the provision of direct adult support in the general education environment to uphold their educational rights.

Under the Least Restrictive Environment provision of IDEA (which basically lays out the rights of students with disabilities to be educated alongside their nondisabled peers), there is a very important statement regarding the state funding mechanism. It reads as follows:

A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section

One of the requirements to which this statement refers in paragraph (a) of this section reads as follows:

Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that **education in regular classes with the use of supplementary aids and services** cannot be achieved satisfactorily.

When considering the inclusive rights of students with pervasive disabilities such as Autism, Down syndrome, and cerebral palsy, supplementary services such as physical attendants, behavioral aides, and instructional aides are, perhaps obviously, the supports that are typically required. This means that before a student is removed to a Special Class, known in our state as CDC or Comprehensive Developmental Classroom, the IEP team must first consider whether a student can be educated satisfactorily in the regular class with direct adult support. Educated satisfactorily means two things: Make meaningful progress in IEP goals, and gain access to the general curriculum. That's it. A student who performs well below grade level and has highly modified work that is tied to the general curriculum is especially likely to need direct adult support in the general education setting.

The Disabilities sub-committee and Tennessee legislature **must** understand our state's responsibility to create a funding mechanism that adheres to IDEA. I think it is super that we are discussing added support for students with disabilities, but the first step is to ensure that the new funding mechanism aligns with federal law. I have sent an email with a link to a lot of information on this topic. I and others have spent six years advocating for our Special Education funding mechanism to align with IDEA requirements regarding educational placements. We see this funding review as a way to move forward, to finally get it right.

Thank you for considering the information I have provided in these remarks and via email.

(my bolds/font color changes)

Sec. 300.114 LRE requirements

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart B](#) » [Section 300.114](#)
300.114 LRE requirements.

(a) General.

(1) Except as provided in §300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§300.115 through 300.120.

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that **education in regular classes with the use of supplementary aids and services** cannot be achieved satisfactorily.

(b) **Additional requirement—State funding mechanism—**

(1) General.

(i) **A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section;** and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

(2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

Last modified on May 3, 2017

Sec. 300.42 Supplementary aids and services

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart A](#) » Section 300.42
300.42 Supplementary aids and services.

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

Last modified on May 2, 2017

From: [Charlie Bufalino](#)
To: [TISA Rules](#)
Subject: Fwd: [EXTERNAL] TISA Recommendations RE: Advanced Coursework
Date: Monday, June 6, 2022 4:35:16 PM
Attachments: [TN_TISA_Recommendations_College_Board.docx](#)

Charlie Bufalino | Assistant Commissioner
Policy & Legislative Affairs
Andrew Johnson Tower, 9th Floor
[710 James Robertson Parkway, Nashville, TN 37243](#)
c. [\(615\) 571-0449](#)
Charlie.Bufalino@tn.gov
tn.gov/education
#TNBestforAll

We will set all students on a path to success

Begin forwarded message:

From: "Bassett, Stacy" <sbassett@collegeboard.org>
Date: June 6, 2022 at 4:26:37 PM CDT
To: Charlie Bufalino <Charlie.Bufalino@tn.gov>, Jay Klein
<Jay.Klein@tn.gov>, Penny Schwinn <Penny.Schwinn@tn.gov>
Cc: "Keeler, Bard (He/Him/His)" <bkeeler@collegeboard.org>
Subject: [EXTERNAL] TISA Recommendations RE: Advanced Coursework

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Commissioner Schwinn, Asst. Commissioner Bufalino and Director Klein,

The College Board appreciates the invitation for input as the department works on the implementation of the new TISA funding formula and would like to offer some recommendations for the inclusion of advanced coursework. Our full comments are attached, along with some state examples, and we would be happy to provide any additional input or follow-up that might be helpful. In brief, the state has referenced the inclusion of Advanced Placement (AP) performance in the outcomes section, but we ask that it be broadened to include both AP participation and performance indicators for all students, not just low-income, in the outcomes section, as well as in the career and technical education (CTE) direct funding section. Including AP participation and performance indicators in multiple sections of the state's funding formula will incentivize and motivate schools and districts to implement high-quality

coursework that will prepare students to meet state and regional workforce needs.

We appreciate the consideration of these comments and wish you well as you lead this exciting effort.

Sincerely,

Stacy H. Bassett, Senior Director

State Government Relations

The College Board

sbassett@collegeboard.org

859-533-7714

Clearing a path for all students to own their future



Recommendations for Tennessee’s Education Funding Formula: Incentivizing and Rewarding Advanced Coursework

Overview

The Tennessee Investment in Student Achievement (TISA) Act provides an opportunity for the state to transition K-12 public schools to a student-based funding approach. While the College Board appreciates that the state has referenced the inclusion of Advanced Placement (AP) performance in the outcomes section, we ask that Tennessee education leaders, policymakers, and advisors broaden the inclusion of AP and consider the following recommendations:

1. Include both AP participation and performance indicators for all students, not just low-income, in the outcomes section.
2. Also include AP participation in the career and technical education (CTE) direct funding section.

Including AP participation and performance indicators in multiple sections of the state’s funding formula will incentivize and motivate schools and districts to implement high-quality coursework that will prepare students to meet state and regional workforce needs.

Include AP Participation and Performance in the Outcomes Section

Tennessee SCORE recently reported that the college-going rate has fallen 9 points in two years and encouraged the state to view it as a call to action. The outcomes funding section aims to incentivize student achievement and educational excellence. Incentivizing students and schools to participate in AP courses and exams will produce positive college and career outcomes for Tennessee. Students who take AP are more likely than their peers to enroll in college, stay in college, do well in their classes, and graduate in four years. Even students who do not earn a qualifying score for college credit have significantly stronger college outcomes than college students who did not take an AP course and exam.

Florida and North Carolina – which consistently have strong AP programs – incentivize AP in state funding. In Florida, for every student in each AP course who scores a qualifying exam score, a district is calculated a .16 full-time equivalent (FTE) student membership to be added to the total FTE student membership for grades 9-12. Teachers also receive a bonus for each student who receives a qualifying AP Exam score. An additional bonus is provided for AP teachers in a school designated with a grade of “D” or “F”. North Carolina teachers also receive a bonus for students earning a 3 or higher on an AP Exam.

Texas provides districts with weighted funding for CTE participation. For each full-time equivalent student in an approved CTE program in grades 7 through 12, courses are weighted by tiers identified by the Texas Education Agency. AP Computer Science A is weighted 1.47 and AP Computer Science Principles (AP CSP) is weighted 1.28.



Include AP in Direct Funding for CTE

The TISA Act also aims to support students in key priority areas such as CTE. Similar to the Texas model, Tennessee can incentivize AP participation in essential, in-demand CTE programs of study. Tennessee's CTE programs of study currently include the following AP courses:

- AP Biology
- AP Calculus AB and BC
- AP Chemistry
- AP Computer Science A
- AP Computer Science Principles
- AP English Language and Composition
- AP Environmental Science
- AP Physics
- AP Statistics
- AP Studio Art: 2-D Design
- AP U.S. Government and Politics

In fact, Tennessee is a model state embedding AP into CTE programs and was highlighted in a joint document between College Board and Advance CTE.¹ Tennessee demonstrates how AP can fit into a CTE sequence of courses that “provides technical skill proficiency or a recognized postsecondary credential” (Perkins V). The Credential Engine Registry now includes AP courses and exam information for students, counselors, postsecondary administrations, and state education officials.² Now, more states are considering how to incorporate AP into their career pathways. For example, Washington State includes AP participation as a program quality indicator under Perkins (defined as the percentage of CTE concentrators graduating high school with postsecondary credits in the relevant CTE program obtained through college-level courses like AP).

Incorporating AP into the direct funding section can reward schools and districts for providing students college and career opportunities and helping remove the silos between CTE and advanced high school coursework. The College Board can work closely with the state and districts to identify the AP courses most aligned to state and regional workforce needs.

Stacy Bassett, Senior Director
State Government Relations
sbassett@collegeboard.org
859-533-7714

¹ College Board and Advance CTE: “Advanced Placement and Career and Technical Education: Working Together”

>https://cte.careertech.org/sites/default/files/files/resources/AP_CTE_Working_Together_Oct_2018.pdf

² Credential Engine: “The Credential Registry Now Includes Advanced Placement Coursework and Exams”

><https://credentialengine.org/2022/02/15/the-credential-registry-now-includes-advanced-placement-coursework-and-exams/>

From: [Kim Kredich](#)
To: [Tisa.Rules](#)
Subject: Re: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee
Date: Friday, June 10, 2022 6:39:37 AM
Attachments: [image001.png](#)
[image001.png](#)

Hello-

The first time I sent this email to the Tisa.Rules address, it was sent with "No Recipient" (which has never happened to me before). I then forwarded the email to the same address and it went through. I want to ensure the Tisa.Rules people have received this email with the message intended for them, so I am pasting the message below. Please confirm receipt of this information.

Thank you!
-Kim Kredich

Please see this information that I sent over several months via email to the disabilities/gifted funding subcommittee.

While the new funding mechanism appears to take a good step back to the 10 Options (vs the collapsed-into-4), please realize this simply reverts to what was acknowledged as incentivizing restrictive educational placements for students with disabilities and therefore continues to violate IDEA.

I am always available to discuss this issue so that students' educational rights are honored and re-litigation is avoided.

I would greatly appreciate confirmation of the receipt of this email.

Sincerely,
Kim Kredich

P.S.

https://drive.google.com/drive/folders/16EzsGneEjvSfbTIF-fXh35fjZeFzU_aX

Within the email thread is this link to a Google folder with documents relevant to this issue.

Sent from my iPhone

On Jun 9, 2022, at 8:01 PM, Kim Kredich <kimkredich@gmail.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Kim Kredich <kimkredich@gmail.com>
Date: June 9, 2022 at 7:59:07 PM EDT
Cc: knox-county-education-coalition@googlegroups.com
Subject: Fwd: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Please see this information that I sent over several months via email to the disabilities/gifted funding subcommittee.

While the new funding mechanism appears to take a good step back to the 10 Options (vs the collapsed-into-4), please realize this simply reverts to what was acknowledged as incentivizing restrictive educational placements for students with disabilities and therefore continues to violate IDEA.

I am always available to discuss this issue so that students' educational rights are honored and re-litigation is avoided.

I would greatly appreciate confirmation of the receipt of this email.

Sincerely,
Kim Kredich

P.S.

https://drive.google.com/drive/folders/16EzsGneEjvSfbTIF-fXh35fjZeFzU_aX

Within the email thread is this link to a Google folder with documents relevant to this issue.

Sent from my iPhone

Begin forwarded message:

From: Brad Turner <Brad.Turner@tn.gov>
Date: January 12, 2022 at 5:14:16 PM EST
To: Kim Kredich <kimkredich@gmail.com>
Subject: Re: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Thanks Kim! Actually just sent your email up the ladder to be included as feedback.

Brad Turner | Commissioner

On Jan 12, 2022, at 3:46 PM, Kim Kredich <kimkredich@gmail.com> wrote:

Please note my typo— should be “special class” (instead of “specific class”)

The piece that is missing is, for example, what would be different in funding an aide in the general ed setting vs an aide in a *special* class. The new funding formula needs to NOT incentivize placement of students with disabilities in a segregated setting as it does now.

Sent from my iPhone

On Jan 12, 2022, at 7:54 AM, Kim Kredich <kimkredich@gmail.com> wrote:

Hi, Brad — hope you are well.

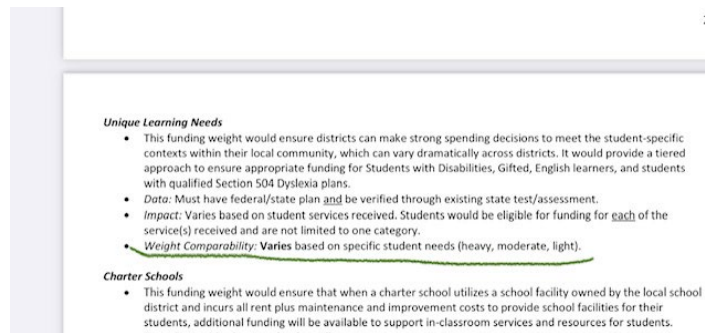
I just got a look at the funding formula draft, and before I submit my feedback I wanted to ask if your subcommittee had the details regarding how services in different settings (Gen Ed environment which includes Resource Room and push-in support of sped teachers and/or paraprofessionals VS Comprehensive Developmental Classroom placement) are being funded to comply with IDEA. Specifically, how is this area of funding aligned with incentivizing inclusive vs segregated placement of students with involved disabilities?

Right now it only lists the obvious (well, obvious for those who understand special ed funding) in that different levels of funding would apply based on a student’s needs as documented in the IEP. The piece that is missing is, for example, what would be different in funding an aide in the general ed setting vs an aide in a specific class. The new funding formula needs to NOT incentivize placement of students with disabilities in a segregated setting as it does now.

Again, I am hoping to avoid re-litigation of this issue and am trying to figure out how to shine a bright light on this aspect of the decision before it is in front of the legislature. I still have not heard anything as of the January 4th subcommittee meeting that mentions this legal requirement and that that worries me very much.

Thanks,

Kim



Sent from my iPhone

On Dec 13, 2021, at 11:59 AM, Brad Turner <Brad.Turner@tn.gov> wrote:

You too!



Brad Turner | Commissioner
UBS Tower, 8th Floor
315 Deaderick St., Nashville, TN 37243
p. 615-532-5970 f. 615-532-9940
brad.turner@tn.gov
tn.gov/didd
didd.tn

From: Kim Kredich <kimkredich@gmail.com>
Sent: Monday, December 13, 2021 10:09 AM
To: Brad Turner <Brad.Turner@tn.gov>
Subject: Re: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

Thank you so much, Brad! Hope you have a fun and safe holidays! 🎁

Kim

Sent from my iPhone

On Dec 13, 2021, at 10:26 AM, Brad Turner <Brad.Turner@tn.gov> wrote:

Thanks Kim! I just sent this over to our DOE point of contact and asked for review.

This is good stuff and I appreciate you sharing!



Brad Turner | Commissioner
UBS Tower, 8th Floor
315 Deaderick St., Nashville, TN 37243
p. 615-532-5970 f. 615-532-9940
brad.turner@tn.gov
tn.gov/didd
[@didd.tn](https://www.facebook.com/didd.tn)

From: Kim Kredich <kimkredich@gmail.com>
Sent: Sunday, December 12, 2021 11:09 AM
To: Brad Turner <Brad.Turner@tn.gov>; tnedu funding <tnedu.funding@tn.gov>; coalition@tndisability.org; Wendy Tucker <Wendy.Tucker@tn.gov>
Subject: [EXTERNAL] Re: State Funding Mechanism - 2018 Tom Parrish report, info to consider by Disabilities/Gifted subcommittee

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

Hello, all-

Thank you again for your hard work in addressing the needs of students with disabilities/ giftedness in the BEP overhaul process.

I listened to the most recent subcommittee meeting this past week and was excited to hear Carol mention the need to consider that 1:1 aides be added to the “pupil weight” as a must have on top of the base. I also appreciated Brad’s acknowledgment of my comment (“If we fund it...”) but the second part was not “they will come”— it was “they will include.” I say this because the kids are already placed somewhere and their services are funded through the current BEP formula. So perhaps I should have said “if they incentivize inclusive placements, schools will include.”

The state is already funding aides, but incentivizing that support in Special Classes (Comprehensive Developmental Classrooms) on the continuum of placement options instead of as supplementary supports in the general education environment. This is what TDOE admitted in the first place and what Tom Parrish’s report on the supposedly improved formula confirmed. TDOE’s bogus response to my 2018 administrative complaint simply adds fuel to the potential re-litigation fire since now TDOE has to stick with what it wrote in its response and determination of “no violation” when it chose to investigate itself instead of have an outside agency investigate the allegations.

So again, I want to guide your attention to the fact that there is a legal microscope focused on this process of revamping the Special Ed funding mechanism, with re-litigation preparations put on hold (happily) in genuine hope that the new funding formula complies with IDEA by supporting (vs discouraging) inclusive educational placements for students with disabilities as per the right to be educated in their Least Restrictive Environment.

The Google Drive folder below has a lot of information regarding the history of non-compliance by TDOE. There are ways the state could tweak the existing Resource-based formula to move toward compliance with IDEA, but I know your committee has been tasked with shifting to a student-based formula as per Governor Lee’s and Commissioner Schwinn’s directives.

https://drive.google.com/drive/folders/16EzsGneFjvSfbTIF-fXh35fjZeFzU_aX

Given this task— which I view as an incredible opportunity to finally “get it right” (funding to properly support and uphold the educational rights of students with disabilities), I firmly believe the way to structure a student-based formula that complies with the state funding mechanism requirement (below), is to **grant students with pervasive disabilities** who are either on alt assessment or whose content is necessarily modified to the point that they do not meet the standards for coursework leading to a regular diploma **enough added funding if the “special ed aide in the general setting” is on the services page for the vast majority of the day to support appropriate/possible general education placement.**

- (b) Additional requirement—State funding mechanism—
- (1) General.
- (i) **A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section;** and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

We need some focused efforts/ damage control to shift from decades of unnecessarily restrictive routine placement of students with pervasive disabilities resulting from Tennessee's past and current faulty funding mechanism. Alison Gauld at TDOE has many phenomenal plans and resources to include students with low-incidence disabilities, but these cannot be implemented in earnest if the state funding is pulling districts in the opposite direction. What I mean by that is currently ***too many special ed teachers and paraprofessionals are tied to segregated/ self-contained settings because of the funding formula.*** Our state needs to shift the service delivery configuration to most sped teachers pushing in their consultative or even direct special ed expertise in the form of IEP services to support regular education teachers and TA's /aides/ paraprofessionals in the regular ed environment. Of course we still must provide a full continuum of placement options, but the rarity of a student with a pervasive disability not being able to be educated satisfactorily (access the general curriculum and make progress in IEP goals) with the support of an instructional assistant in the general education setting necessitates far fewer self-contained classrooms than currently exist.

I often use the analogy of one of my favorite animated movies, How to Train Your Dragon. All the townspeople think the dragons are terrible and mean because they are stealing the sheep from the island. This is the culture in districts when parents are made to fight to get their children's basic inclusive rights met under IDEA. However, it turns out that the dragons stealing the sheep are actually doing what the evil huge alpha dragon is requiring them to do. The current funding mechanism (huge dragon) is forcing districts to do the wrong thing when determining placements for students with disabilities. In Knox County, parents are routinely forced to file for due process to get the district to comply with IDEA (KCS usually settles and then pays attorney fees to the parents' counsel). Hundreds of thousands of taxpayer dollars are being spent on lawsuits, but our district has calculated that this is still a better route than complying with the law, in large part due to the funding formula structure in place.

Your subcommittee has a chance to "replace the evil dragon" and enlighten TDOE on its responsibilities (and risk of litigation).

I am writing all of this because I have not heard any specific discussions in your subcommittee meetings thus far that focus on complying with IDEA funding mechanism requirements as an essential "must have."

Please feel free to contact me with any questions regarding the information I have supplied thus far.

Sincerely,

Kim Kredich

Sent from my iPhone

On Nov 28, 2021, at 10:57 PM, Kim Kredich <kimkredich@gmail.com> wrote:

Dear Mr. Turner,

Thank you for leading the subcommittee representing the needs of students with disabilities/ giftedness in this incredibly important funding discussion.

I have listened intently to your two subcommittee meetings and have attended virtually each of the Public Town Hall events (with one left to go this Tuesday). I spoke at the November 2nd Town Hall in Knoxville and my prepared statement is pasted below to give you some reference as to what I feel is a "Must Have" in your proposal to the legislature: **The state funding mechanism for special education must be made in compliance with IDEA to not incentivize unnecessarily restrictive educational placements.**

I am excited to hear your subcommittee members talk about all aspects of this funding issue. Several members raised important points about what information is out there already from other states, and I wanted to make sure you all had the 2018 report on our own state by Tom Parrish, widely known as the guru in special ed state funding formula analyses. This all came about because of the 2015 lawsuit by three Knox County families (for whom I advocate on a volunteer basis), alleging that Tennessee's funding mechanism for special education violated IDEA by incentivizing restrictive placements.

Without going into detail, the same issue litigated in WH et al vs. TDOE has been primed for re-litigation due to the state's "improved" formula actually

making the problem worse. That is, until Governor Lee announced this BEP overhaul! While I am not certain Governor Lee understood the legal implications of presenting a brand new funding formula in such a short time that must align with IDEA, I think your committee can put forth a student-based funding mechanism that will move our state out of non-compliance and into a new era of inclusive special education service delivery configuration to support our students' rights to being educated in their Least Restrictive Environment.

Please pass along this report by Tom Parrish to your committee members (I have cc'd Carol Westlake as vice-chair, and also Wendy Tucker whom I know via Erin Richardson from SEAC days) and also the public comment documents to give some context to the report.

I also want to provide some information regarding potential student-based funding for intellectually gifted (IG) students. I have brought up the huge discrepancies among school districts in terms of the number of IG IEPs (see list below) at several State Special Ed Advisory Council meetings and even asked a parent in Roane County whose 8th grader has completed almost his full Math major requirements at UT to come and speak of their struggles in advocating for their son's needs. (Below is the transcript of 13 year old Lucas Hinds, with permission to share from parents.)

If districts potentially receive money for students with IG IEP eligibility, the standard for such eligibility must be set to disallow the clear misuse of IG to track students with good test scores into separate course sections. What do we mean by "gifted" as it relates to student-based funding?



Lucas Tristham Hinds

Period Semester	Subject	Course	Level	Title	Grade	Credit Hours	Quality Points	GPA
(Spring 2019) 2020	MATH	141	UG	Calculus I Proficiency Exam Credit	A	4.000	16.00	4.00
(Summer 2019) 2020	MATH	142	UG	Calculus II Proficiency Exam Credit	A	4.000	16.00	4.00
(Fall 2019) 2020	MATH	241	UG	Calculus III Proficiency Exam Credit	A	4.000	16.00	4.00
(Spring 2020) 2020	MATH	231	UG	Differential Equations I Proficiency Exam Credit	A	3.000	16.00	4.00
Fall 2020	MATH	307	UG	Hon:Intro/Abstract Mathematics	A	3.000	12.00	4.00
Spring 2021	MATH	341	UG	Introduction to Analysis	A	3.000	12.00	4.00
Fall 2021	MATH	351	UG	Intro to Abstract Algebra	A	3.000	12.00	4.00
Spring 2022	MATH	443	UG	Complex Variables				

Overall Totals 24.000 100.00 4.00

2016-2017 -- Count of IEPs for Intellectually Gifted per district
School District Total Students

- Achievement School District 56
- Alamo City School *
- Alcoa City Schools *
- Anderson County Schools 28
- Arlington Community Schools 616
- Athens City Schools 22
- Bartlett City Schools 699
- Bedford County Schools 25
- Benton County Schools 40
- Bledsoe County Schools 63
- Blount County Schools 14

Bradford SSD 14
Bradley County Schools 67
Bristol TN City Schools 22
Campbell County Schools *
Cannon County Schools 21
Carter County Schools 53
Cheatham County Schools 12
Chester County Schools 11
Claiborne County Schools 73
Clay County Schools 11
Cleveland City Schools 90
Cocke County Schools 119
Coffee County Schools 180

Collierville 1091

Crockett County Schools 10
Cumberland County Board of Education 34
Dayton City Schools *
Decatur County Schools 32
DeKalb County Schools 146
Dickson County Schools 146
Dyer County Schools 119
Dyersburg City Schools 116
Elizabethton City Schools 52
Etowah City School *
Fayette Public County Schools 21
Fayetteville City Schools 24
Fentress County Schools 75
Franklin County Schools 33
Franklin SSD 19
Germantown 794
Gibson County School District 82
Giles County Schools 70
Grainger County Schools 21
Greene County Schools 69
Greeneville City Schools 24
Grundy County Schools 12
Hamblen County Schools 26

Hamilton County Department of Education 3166

Hancock County Schools *
Hardean County Schools 87
Hardin County Schools 21
Hawkins County Schools 22
Haywood County Schools 103
Henderson County Schools 53
Henry County Schools 137
Hickman County Schools *
Hollow Rock Bruceton 43
Houston County Schools 96
Humboldt City Schools 16
Humphreys County Schools *
Huntingdon SSD 68
Jackson County Schools *
Jackson Madison Schools 379
Jefferson County Schools *
Johnson City Schools 206
Johnson County Schools 74
Kingsport City Schools 11

Knox County Schools 38

Lake County Schools *
Lakeland 174
Lauderdale County Schools 156
Lawrence County Schools 28
Lebanon Special School District *
Lenoir City Schools *
Lewis County Schools *
Lexington City Schools *
Lincoln County Schools 27
Loudon County Schools 97
Macon County Schools *
Manchester City Schools 51
Marion County Schools 25
Marshall County Schools 27
Maryville City Schools *
Maury County Schools 444
McKenzie SSD 54
McMinn County Schools 231
McNairy County Schools 30
Meigs County Schools 45
Metro Nashville Public Schools 210
Milan Special School District 50
Millington 147
Monroe County Schools 204
Montgomery County Schools 976
Moore County Schools *
Morgan County Schools 21
Murfreesboro City Schools 110
Newport City Schools *
Oak Ridge Schools 248
Obion County School 133
Oneida SSD *
Overton County Schools 68
Paris SSD 32
Perry County Schools 20
Putnam County Schools 143
Rhea County Schools 18
Richard City SSD 10
Roane County Schools 203
Robertson County Schools 483

Rutherford County Schools 2200

Scott County Schools *
Sequatchie County Schools 77
Sevier County Schools 108

Shelby County School District 5632

Smith County Board of Education 29
South Carroll SSD 15
State Board of Education *
Stewart County Schools *
Sullivan County Schools 54

Sumner County Schools 975
Sweetwater City Schools 16
Tennessee Department of Children's Services 18
Tipton County Schools 342
TN School for the Blind *
Trenton SSD *
Trousdale County Schools *
Tullahoma City Schools 28
Unicoi County Schools 25
Union City Schools *
Union County Schools 67
Van Buren County Schools 22
Warren County Schools 204
Washington County Schools 113
Wayne County Schools 41
Weakley County Schools 61
West Carroll SSD 23
White County Schools 65
Williamson County Schools 1886
Wilson County Schools 41
Grand Total 26381

I look forward to virtually attending your subcommittee's upcoming meeting and I hope I have provided helpful information thus far.

Thanks very much for the work you all are doing on behalf of students with disabilities and giftedness.

Sincerely,

Kim Kredich

P.S. One of our grown sons, Ben, who now participates in the ECF Choices program (huge thanks for this support from your department!!!), also spoke at the November 2nd Town Hall at UT-Knoxville along with two mothers of current Knox County School students with disabilities. I have attached their statements to this email.

TDOE Sped Funding Public Comment Nov 2

November 2nd Town Hall Meeting – Funding Discussion

Public comment by Kim Kredich

kimkredich@gmail.com

Thank you for holding these town halls. I am here to talk about the Special Education funding piece of the BEP formula. I am, quite honestly, thrilled to see a full reconsideration of the BEP funding formula because it forces a new and hopefully very informed decision to be made regarding the Special Education funding mechanism that **must be made in compliance** with the Individuals with Disabilities Education Act law, or IDEA.

I want to specifically comment on what this means for students with disabilities – like one of our three sons, Ben – whose unique physical, instructional, and sign language interpreting needs necessitate the provision of direct adult support in the general education environment to uphold their educational rights.

Under the Least Restrictive Environment provision of IDEA (which basically lays out the rights of students with disabilities to be educated alongside their nondisabled peers), there is a very important statement regarding the state funding mechanism. It reads as follows:

A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section

One of the requirements to which this statement refers in paragraph (a) of this section reads as follows:

Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that **education in regular classes with the use of supplementary aids and services** cannot be achieved satisfactorily.

When considering the inclusive rights of students with pervasive disabilities such as Autism, Down syndrome, and cerebral palsy, supplementary services such as physical attendants, behavioral aides, and instructional aides are, perhaps obviously, the supports that are typically required. This means that before a student is removed to a Special Class, known in our state as CDC or Comprehensive Developmental Classroom, the IEP team must first consider whether a student can be educated satisfactorily in the regular class with direct adult support. Educated satisfactorily means two things: Make meaningful progress in IEP goals,

and gain access to the general curriculum. That's it. A student who performs well below grade level and has highly modified work that is tied to the general curriculum is especially likely to need direct adult support in the general education setting.

The Disabilities sub-committee and Tennessee legislature **must** understand our state's responsibility to create a funding mechanism that adheres to IDEA. I think it is super that we are discussing added support for students with disabilities, but the first step is to ensure that the new funding mechanism aligns with federal law. I have sent an email with a link to a lot of information on this topic. I and others have spent six years advocating for our Special Education funding mechanism to align with IDEA requirements regarding educational placements. We see this funding review as a way to move forward, to finally get it right.

Thank you for considering the information I have provided in these remarks and via email.

(my bolds/font color changes)

Sec. 300.114 LRE requirements

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart B](#) » Section 300.114 300.114 LRE requirements.

(a) General.

(1) Except as provided in §300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§300.115 through 300.120.

(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that **education in regular classes with the use of supplementary aids and services** cannot be achieved satisfactorily.

(b) **Additional requirement—State funding mechanism—**

(1) General.

(i) **A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section;** and

(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

(2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

Last modified on May 3, 2017

Sec. 300.42 Supplementary aids and services

[Statute/Regs Main](#) » [Regulations](#) » [Part B](#) » [Subpart A](#) » Section 300.42 300.42 Supplementary aids and services.

Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114 through 300.116.

Last modified on May 2, 2017