

**BEFORE THE TENNESSEE DEPARTMENT OF EDUCATION
DIVISION OF ADMINISTRATIVE HEARINGS**

IN THE MATTER OF:

██████ *the Student, and*
██████ *and* ██████ *the Student's parents,*

Petitioners,

v.

WILLIAMSON COUNTY SCHOOLS,

Respondent.

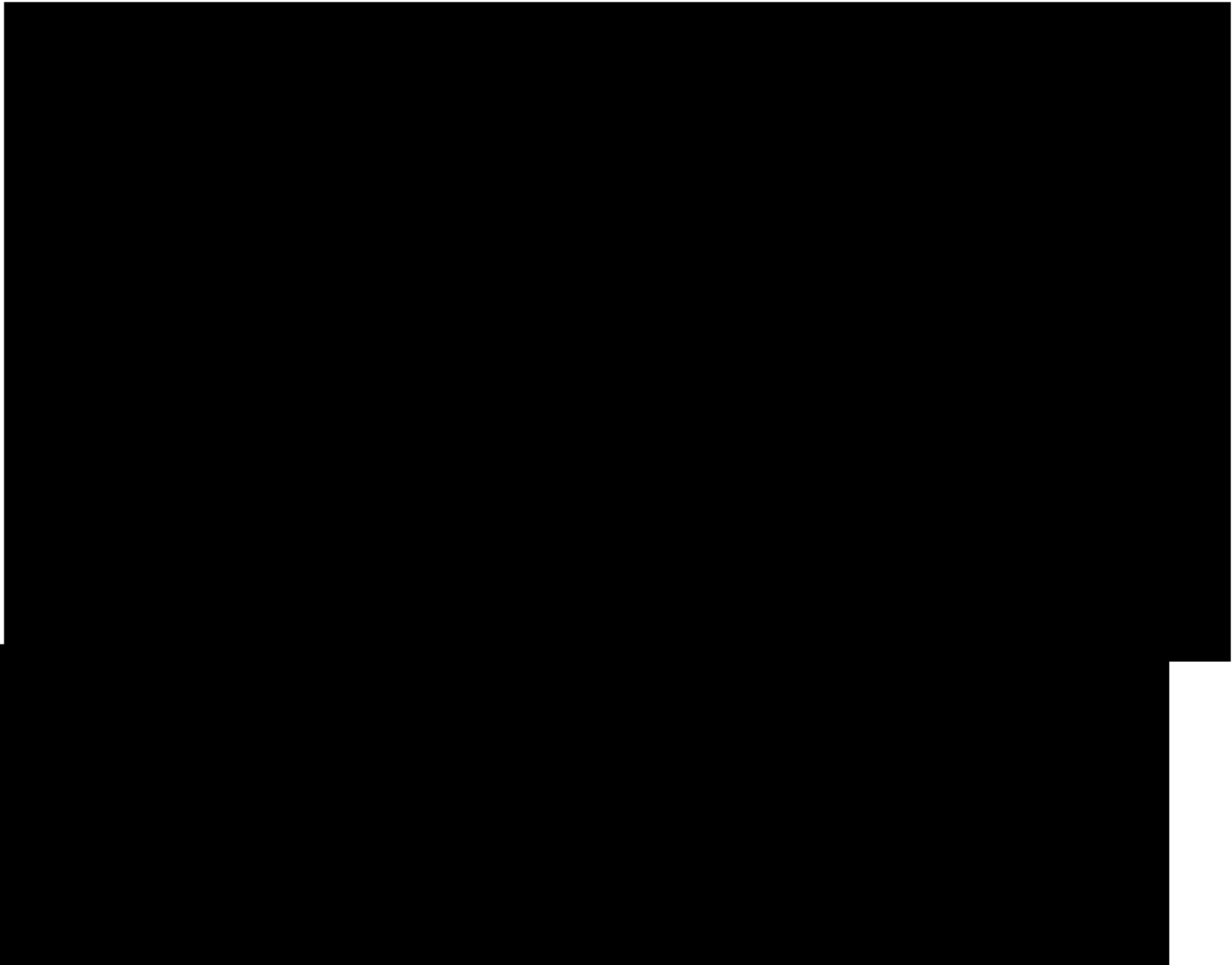
Docket No.: ██████

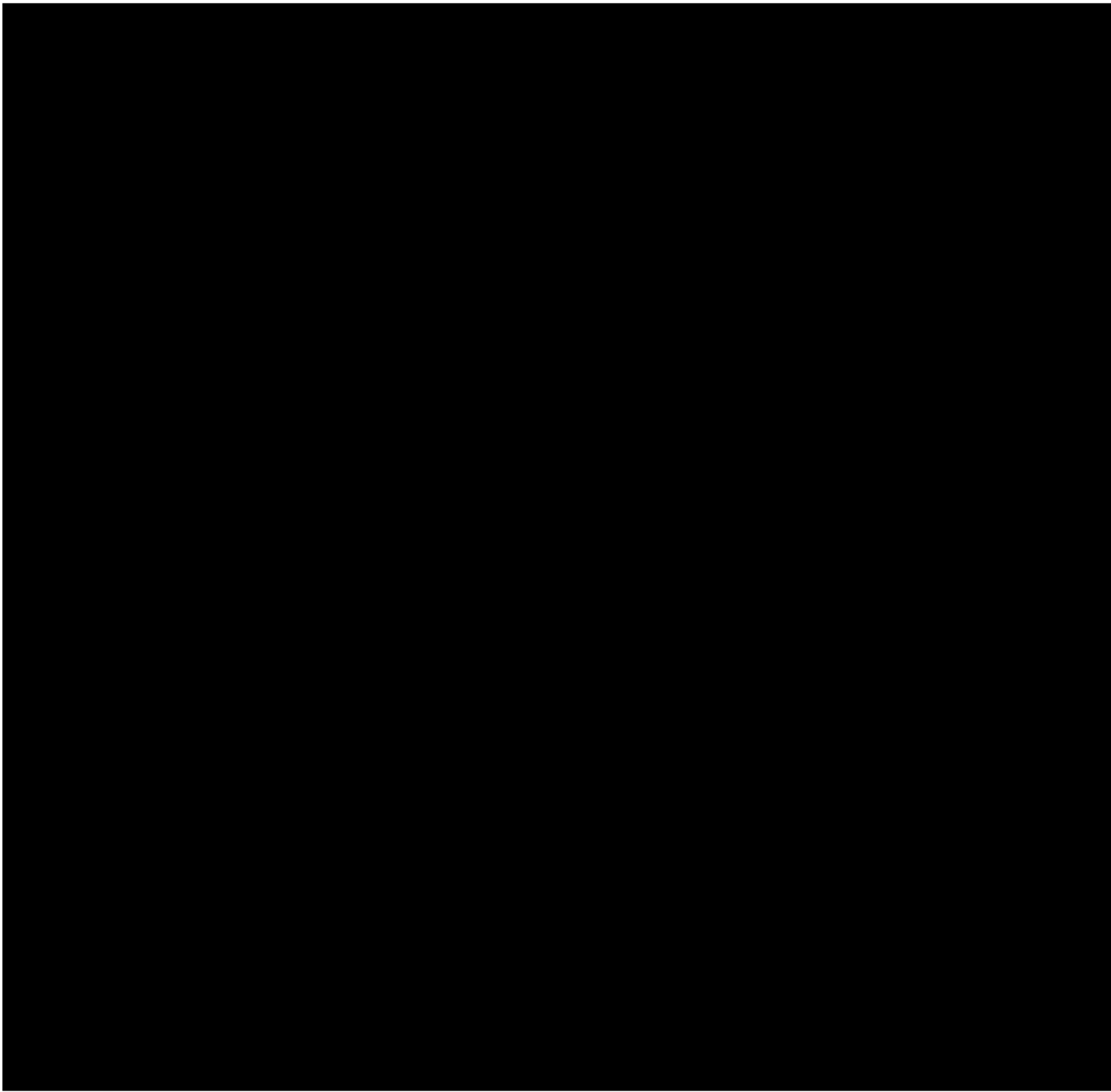
INITIAL ORDER

This matter was heard in both ██████ and ██████ Tennessee, on ██████
██████ and ██████ before Michael Begley, Administrative Law Judge,
assigned by the Secretary of State, Administrative Procedures Division pursuant to
T.C.A. § 49-10-606 and Rule 520-1-9-.18, Rules of State Board of Education. Petitioner
██████ student, and ██████ parents, were represented by attorney ██████
Attorney ██████ represented Respondent Williamson County Schools
(WCS). This matter became ready for consideration upon the filing of proposed findings
of fact and conclusions of law by Petitioners (██████) and Respondent (██████
██████).

On ██████ Petitioners provided the Respondent with a due process
complaint under the Individuals with Disabilities Education Improvement Act of 2004
(IDEA). Petitioners have requested the following relief: (1) Reimbursement by WCS to
Petitioners for amounts (tuition, costs and fees) paid to send ██████ to ██████

Academy ("█"), including both retrospective and prospective expenses; (2) WCS payment for private tutoring expenses, including both retrospective and prospective expenses; and (3) attorneys' fees, costs, and pre-judgment interest. After consideration of the entire record, testimony of witnesses, and the arguments of the parties, it is determined that Respondent is in compliance with IDEA procedures and has not committed any procedural or substantive violations of IDEA. This determination is based upon the following Findings of Fact and Conclusions of Law.





41. Dr. [REDACTED] provided to WCS all of the information and performance documents obtained from [REDACTED] along with her own evaluations and literacy reports.

42. Shortly after the ILP meeting at [REDACTED] on [REDACTED] WCS convened its first of three IEP meetings for [REDACTED]

43. The meeting was held at [REDACTED] Middle School, which WCS understood to be the school of zone for the Petitioners. WCS sent an Invitation to the IEP meeting to Petitioners on [REDACTED]

44. Petitioners refused to sign the invitation to indicate whether they would be attending the meeting.

45. Present and involved with the WCS IEP meetings was [REDACTED] [REDACTED] Executive Director for Student Support Services for WCS. [REDACTED] is licensed as both a special education teacher and a licensed school administrator.

46. [REDACTED] current job duties include making sure that WCS employees are implementing the IDEA correctly. In this role, she has attended hundreds of IEP meetings, written or participated in writing an estimated 1,000 IEP's, and has reviewed thousands of IEP's.

47. In addition to [REDACTED], present at the meeting were Petitioners; [REDACTED] (General Education teacher), [REDACTED] (Special Education Teacher), [REDACTED] (Student Support Services Specialist), [REDACTED] (Principal), and Dr. [REDACTED] (Consultant).

48. Petitioners refused to sign the attendance form but were present for the meeting.

49. At the [REDACTED] IEP meeting, the IEP team discussed Dr. [REDACTED] initial literacy assessments and report from [REDACTED]. The team also discussed Dr. [REDACTED] follow-up literacy assessments and report from [REDACTED]. Other topics discussed included [REDACTED] reading, spelling and other deficits, Dr. [REDACTED] observations

at [REDACTED] the ILP progress documents and test results from [REDACTED] the [REDACTED] ILP itself, and the KTEA scores created by [REDACTED]

50. When considering the documents and information they had, the IEP team identified which documents it believed contained needed information, analyzed the testing scores on hand, and had discussion about whether these facts sounded like an accurate picture of [REDACTED]

51. [REDACTED] parents also shared their thoughts and concerns as a part of their participation in the [REDACTED] meeting.

52. Petitioners left at the one hour mark. The school team was prepared to go longer than one hour, as evidenced by the fact that the teachers involved had gotten substitutes for the day.

53. WCS held a second IEP meeting at [REDACTED] Middle School on [REDACTED] [REDACTED]. An invitation to the meeting was sent to Petitioners on [REDACTED]. The meeting lasted from [REDACTED]

54. Meeting participants included Petitioners, [REDACTED] (Special Education Teacher), [REDACTED] (Special Education Teacher), [REDACTED] (General Education Teacher), [REDACTED] (Principal), [REDACTED] (Student Support Services Specialist), [REDACTED] (Director of Student Support Services for WCS), and Dr. [REDACTED]

55. [REDACTED] parents refused to sign the attendance form but were present for the meeting.

56. The IEP team continued its discussion of [REDACTED] and the evaluations related to his [REDACTED] grade year at [REDACTED]. The team reviewed and discussed both of Dr. [REDACTED]

literacy reports, the KTEA test results from [REDACTED] the Gallistel-Ellis assessment, the [REDACTED] ILP progress documents, and the [REDACTED] ILP itself. The team also reviewed and discussed the information from [REDACTED] parents as well as any points they brought up in the discussion.

57. During this meeting, Petitioners informed the school that their address had changed and that [REDACTED] Middle School was no longer the school of zone for [REDACTED]

58. The IEP team also began the task of creating the IEP for [REDACTED]. The IEP team determined the Present Levels of Performance for [REDACTED] and wrote goals for him based upon those present levels.

59. The team determined that [REDACTED] Present Levels of Performance showed that he was exceptional and required services and support in the areas of Basic Reading Skills, Reading Comprehension, Reading Fluency, and Adaptive Behavior.

60. The IEP team wrote goals on that day as well, including goals based on all seven areas of exceptionality. Measurable Annual Goals were written specifically to address Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, and Adaptive Behavior.

61. The IEP team did not believe it had enough recent information to address any needs for Occupational Therapy, Speech language therapy, and assistive technology.

62. [REDACTED] parents participated in the meeting, the discussion, and wrote one goal that was incorporated into the IEP.

63. The IEP team asked [REDACTED] parents for consent to do evaluations in three areas: Occupational Therapy, Speech and language, and assistive technology. [REDACTED] parents did not consent to any of these three evaluations.

64. Testimony indicated that, if the parents had consented to have the evaluations done, including the evaluation for speech and language services, the IEP team would have looked at the information from the assessments and reconsidered whether those services, including speech language therapy, were needed for [REDACTED]

65. WCS held a third IEP meeting on [REDACTED], at the WCS Central Office, and included school personnel from both [REDACTED] Middle School and [REDACTED] Middle School.

66. [REDACTED] Middle School ("[REDACTED]") personnel were included because [REDACTED] Middle School was the school of zone for the new address Petitioners provided at the prior IEP meeting.

67. Meeting participants included Petitioners, [REDACTED] (Special Education Teacher), [REDACTED] (General Education Teacher - [REDACTED]), [REDACTED] (Principal - [REDACTED]), [REDACTED] (Student Support Services Specialist), [REDACTED] (Director of Student Support Services for WCS), and Dr. [REDACTED]. Present specifically from [REDACTED] Middle were [REDACTED] (Assistant Principal - [REDACTED]), [REDACTED] (Special Education Teacher - [REDACTED]), and [REDACTED] (General Education Teacher - [REDACTED]).

68. [REDACTED] parents refused to sign the attendance form but were present at the meeting.

69. At the meeting, the IEP team continued the discussion regarding [REDACTED] and completed the IEP. All of the prior information was shared with the [REDACTED] staff since they had not attended the prior meetings.

70. The IEP team discussed the accommodations in the IEP, and about assistive technology and electronic resources [REDACTED] might use.

71. The accommodations included abbreviated assignments, extra time on tests, fewer items/questions, guided fill-in notes, directions given in smaller steps, use of short breaks, reduce/minimize distractions, and others. Many of the accommodations were tailored to [REDACTED] specifically, and they were incorporated into every major academic subject area (math, English, science, and social studies).

72. The IEP also included special education services to be offered to [REDACTED] including one hour of SPIRE reading program every day in a 1-1 or 2-1 setting, and support from special education professionals in all major academic subjects in the inclusion or regular classroom setting (math, English, science, and social studies). Services were also offered for a study focus time briefly each day.

73. In total, the proposed IEP offered 1175 minutes of special education services offered to [REDACTED] amounting to approximately 19.5 hours of special education services each week.

74. The IEP team discussed placement for [REDACTED] and determined that the IEP could be implemented at [REDACTED] Middle School.

75. That same day, [REDACTED] provided the final version of the IEP to Petitioners. Petitioners refused the IEP. All of the school personnel had signed in agreement with the IEP. The next day, [REDACTED], [REDACTED] provided a collection of additional documents from the meeting.

76. Dr. [REDACTED] testified that the IEP was carefully calculated based on the information available and that it included input from all members of the team. She also

testified that the goals were measurable, the accommodations appropriate, and the services were offered in such a way that [REDACTED] would have had support throughout the school day. Ultimately, Dr. [REDACTED] testified that the final IEP would have been able to provide [REDACTED] with a FAPE.

CONCLUSIONS OF LAW

1. Petitioners in this case have the burden to introduce evidence that would by a preponderance of the evidence prove the issues should be resolved in their favor. Rule 1360-4-1-.02, Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies; Schaffer v. Weast, 546 U.S. 49 (2005).

2. The Individuals with Disabilities Education Act (hereinafter and above as “IDEA”) requires WCS to provide a “free appropriate public education” (hereinafter and above as “FAPE”) in the “least restrictive environment” to all students with disabilities who are in need of special education and related services. IDEA, 20 U.S.C. §1400, et. seq. The requirements of the IDEA have been adopted, with some additional state requirements, by the State Board of Education. TN State Board of Education Rules, Regulations, and Minimum Standards, Chapter 0520-1-9.

3. In this case, Petitioners bear the burden of proving that WCS failed to propose an IEP that offered a FAPE to [REDACTED] in accordance with the mandates of the IDEA and related State laws. Bd. Of Educ. of the Hendrick Hudson School Dist. v. Rowley, 458 U.S. 176 (1982).

4. Under the IDEA, Petitioners may be entitled to obtain reimbursement for the unilateral placement of their children in a private school. *School Committee of Town*

of *Burlington, Mass. v. Dept. of Educ. of Mass.*, 471 US 359 (1985). In order to obtain reimbursement for [REDACTED] placement in a private school, Petitioners must satisfy a two-factor analysis and must prove that: (1) the public school placement that had been provided or offered for the child was not an appropriate placement under the terms of the IDEA; and (2) that the private school placement chosen by the parents was an appropriate placement under the IDEA. *Town of Burlington*, 471 US at 370-71.

5. Under the IDEA, states must provide [REDACTED] a FAPE. *Knable v. Bexley City School Dist.*, 238 F.3d 755, 762 (6th Cir. 2001) (citing to 20 USC § 1401(a)(18)). The two-prong test for determining whether WCS provided [REDACTED] a FAPE is as follows: (1) whether procedural requirements under the IDEA were violated; and (2) whether the IEP developed through the IDEA's procedures was reasonably calculated to enable the child to receive an educational benefit. *Knable*, 238 F.3d at 763 (6th Cir. 2001) (citing *Bd. of Educ. v. Rowley*, 458 US 176, 206-07 (1982)).

6. In order to obtain relief under the first prong of the *Rowley* test, Petitioners must show that the complained-of procedural violations have caused substantive harm. *Id.* at 764. Petitioners must also establish that either [REDACTED] IEPs were not reasonably calculated to enable him to receive an educational benefit or that the procedural requirements of the IDEA were violated so as to cause [REDACTED] substantive harm.

7. To successfully make out a case for reimbursement under *Burlington* and *Rowley*, Petitioners must show: (1) that WCS did not provide [REDACTED] a FAPE because the final IEP was not reasonably calculated to enable him to receive an educational benefit or because the procedural requirements of the IDEA were violated so as to cause [REDACTED]

substantive harm; and (2) that [REDACTED] is the appropriate placement for [REDACTED] under the IDEA.

8. In order to qualify for eligibility under the IDEA, a student must (1) meet the eligibility criteria for one of the specific categories of eligibility delineated in the Act, and (2) "by reason thereof, need special education and related services." 20 U.S.C. §1401(3)(A). No single individual can make an eligibility determination. Id. Rather, a team comprised of educators with parental participation must make this decision. Id.

9. Petitioners allege that WCS failed to offer [REDACTED] a FAPE on the grounds that the final IEP was not reasonably calculated to enable [REDACTED] to receive an educational benefit and that WCS violated the procedural requirements of the IDEA so as to cause [REDACTED] substantive harm. Lastly, Petitioners assert that [REDACTED] has and continues to provide [REDACTED] an appropriate education so as to warrant the reimbursement. For the reasons outlined below, Petitioners have failed to carry the burden of proof by a preponderance of the evidence.

10. Courts have outlined the legal standard used to determine if an Individualized Education Plan ("IEP") is appropriate for a student and offers a FAPE. Bd. of Educ. of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176; 102 S. Ct. 3034; 73 L. Ed. 2d 690 (1982). Specifically, the IEP in this case must be reasonably calculated to enable [REDACTED] to receive educational benefits. The IEP does not have to be perfect or ideal, but rather needs only to be reasonably likely to provide benefit that is "more than de minimis." The Sixth Circuit stated that the IDEA provides a "basic floor of opportunity ... consisting of access to specialized institutions and related services which are individually designed to provide educational benefit to the handicapped child." Doe v.

Bd. of Educ. of Tullahoma, 9 F.3d 455 at 459 (6th Cir. 1993) (*quoting Rowley, supra*, and *Doe By and Through Doe v. Smith*, 879 F.2d 1340, 1341 (6th Cir. 1989)).

In the Tullahoma case, the Sixth Circuit held:

The Act requires that the Tullahoma schools provide the educational equivalent of a serviceable Chevrolet to every handicapped student. Appellant, however, demands that the Tullahoma school system provide a Cadillac solely for appellant's use. ... Be that as it may, we hold that the Board is not required to provide a Cadillac, and that the proposed IEP is reasonably calculated to provide educational benefits to appellant, and is therefore in compliance with the requirements of the IDEA.

Doe v. Bd. of Educ. of Tullahoma, 9 F.3d 455 at 459-460 (6th Cir. 1993).

11. In evaluating whether an IEP offered a student a FAPE, evidence about how a child performed after an IEP has been offered and rejected is irrelevant. Rather, the focus lies on what the school system knew at the time the IEP was finalized and offered. Fuhrmann v. East Hanover Bd. of Educ., 993 F.2d 1031 (3rd Cir. 1993). Specifically, "An IEP is a snapshot, not a retrospective. In striving for "appropriateness", an IEP must take into account what was, and was not, objectively reasonable when the snapshot was taken, that is, at the time the IEP was drafted." Fuhrmann v. East Hanover Bd. of Educ., *Mansmann concurring*, 993 F.2d 1031 at 1041 (3rd Cir. 1993)(*quoting Roland M. v. Concord School Committee*, 910 F.2d 983, 992 (1st Cir. 1990), cert. denied, 113 L. Ed. 2d 230, 111 S. Ct. 1122 (1991)). Thus, the operative time period for review of the IEP in this case begins in the fall of [REDACTED] and ends when the IEP was offered to the parents in the fall of [REDACTED]

12. In this case, WCS was in compliance with the requirements of the IDEA by convening an IEP team, taking all available information about [REDACTED] and by analyzing and discussing that information with IEP team members and parents in IEP as

required by law. The IEP team used that information to create and draft appropriate present levels of performance for [REDACTED], goals for [REDACTED] services to support [REDACTED] and accommodations to support [REDACTED] in the classroom.

13. WCS convened three IEP meetings in creating the IEP. During these meetings, the IEP team reviewed, analyzed, and discussed a large volume of information when drafting the IEP. The team discussed and incorporated into the IEP, among other things, Dr. [REDACTED] initial literacy assessments and report from [REDACTED] and her second report from [REDACTED] information about [REDACTED] reading, spelling and other deficits from [REDACTED] grade, Dr. [REDACTED] observations at [REDACTED] the ILP progress documents and test results from [REDACTED], the ILP itself, and the KTEA scores created by [REDACTED]. The IEP team identified which documents contained information they felt they needed. The team also discussed the testing scores on hand, analyzed those scores, and had discussion about whether their findings appeared to be an accurate picture of [REDACTED] parents also participated in the IEP meetings and shared their thoughts and concerns with the IEP team.

14. Dr. [REDACTED] testified that the IEP offered [REDACTED] a FAPE. More specifically, she testified that the team took their time, accepted input from everyone involved, and made changes along the way. Dr. [REDACTED] stated the present levels of performance were carefully calculated to benefit [REDACTED] the goals were measurable for [REDACTED] and the accommodations were specifically tailored to [REDACTED]

15. Several of Petitioners' witnesses testified to facts and events about [REDACTED] which took place after the IEP at issue was offered. The following witnesses either did not know [REDACTED] during the relevant time period or did not work with him during his [REDACTED]

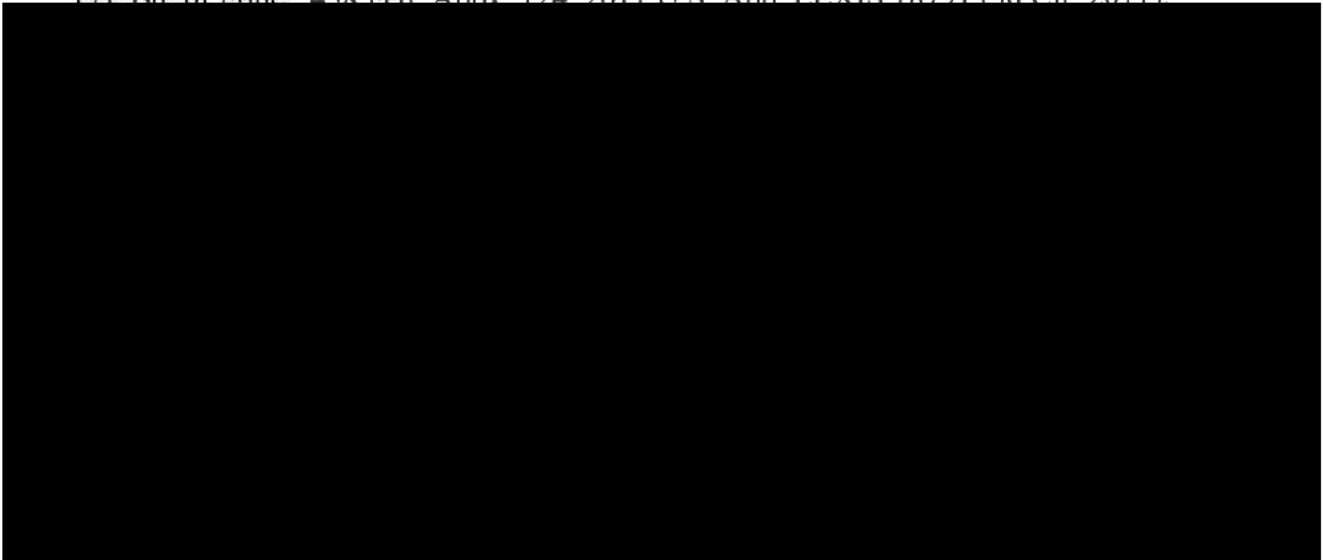
grade year: Dr. [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. While these witnesses may provide context for [REDACTED] condition and needs, their testimony may not extend to the issue of whether WCS offered [REDACTED] a FAPE. Excepting [REDACTED] [REDACTED] parents, and [REDACTED] Petitioners' witnesses testified primarily to facts regarding [REDACTED] which occurred or arose after the IEP was offered.

16. Dr. [REDACTED] and [REDACTED] parents testified as to their opinions of the appropriateness of the IEP in this case. Dr. [REDACTED] testimony of his evaluations of [REDACTED] on [REDACTED] would fall outside of the category of information that would have been available at the time of the IEP offering.

17. Dr. [REDACTED] opinions about the IEP offered by WCS were formed after looking at a draft IEP rather than the final IEP. Dr. [REDACTED] testified in an effort to improve the IEP. He did not provide an opinion as to whether or not the IEP offered to [REDACTED] was in compliance with the IDEA.

18. Petitioners have raised several reasons why they believe they have met their burden in this case. Petitioners have asserted that [REDACTED] teachers should have been present at the IEP team meetings. [REDACTED] parents testified they were given the impression that [REDACTED] staff was not invited to the meetings. [REDACTED] was involved in e-mail communication with Petitioners upon which Petitioners' based their opinion. However, WCS sent invitations to each IEP meeting that indicated [REDACTED] parents could invite whomever they pleased to the IEP meetings. [REDACTED] felt it was unnecessary to have [REDACTED] staff present due to the information the IEP team already had from [REDACTED] as well as Dr. [REDACTED] observations of [REDACTED] [REDACTED] also attempted to invite [REDACTED] staff in spite of her own opinion on its necessity.

19. Regardless, WCS met its legal obligation to have the appropriate team members present without teachers from [REDACTED] being at the meeting. The persons required to be in attendance at the IEP team meeting are: (1) the parents, (2) a regular education teacher, (3) a special education teacher, and (4) a representative of the school system that can provide or supervise provision of services, has knowledge of the general education curriculum, and has knowledge of the resources of the district, and (5) an interpreter of evaluation results, if needed. 20 U.S.C. § 1414(d)(1)(B). Persons beyond that may attend purely at the discretion of the parents or the school system. Id.; *see also Rodriguez v. Fort Lee Bd. of Educ.*, 458 Fed. Appx. 124, 2011 U.S. App. LEXIS 18791 (3d Cir. 2011).



21. Petitioners also expressed concerns about the class sizes. However, the class sizes typically seen at WCS are similar to those seen at [REDACTED], ranging from 2-10 students per teacher and more likely 7-8 students per teacher.

22. Finally, Petitioners assert that speech language services were not included in the IEP. However, The IEP team asked the parents for consent to do evaluations in three areas: Occupational Therapy, Speech and language, and assistive technology. [REDACTED] parents did not provide consent to perform those evaluations. Thus, WCS had to

move forward with the information it had at the time. WCS cannot be held deficient for a perceived shortcoming when Petitioners refused WCS' efforts to further test [REDACTED]

23. According to established legal precedent, the issue not which of the two schools can provide a FAPE to [REDACTED] or even which school would be the best for [REDACTED] growth. Rather, the issue is whether WCS can provide [REDACTED] with a FAPE. Any analysis of the appropriateness of [REDACTED] is only necessary if it is determined that WCS failed to provide [REDACTED] a FAPE. Moreover, the only information upon which a decision can be rendered is the information WCS would have had at the time the IEP was offered, and whether WCS offered an IEP that could have provided [REDACTED] with a FAPE at that time.

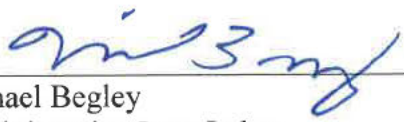
24. WCS committed no substantive violations of the IDEA in this case. The IEP submitted may not have included every topic Petitioners' claim it should have. Based on the information it had at the time, however, WCS did offer an IEP that was reasonably calculated to provide [REDACTED] with an educational benefit. Moreover, Petitioners' own actions of refusing to allow [REDACTED] to be further tested in areas in which WCS had additional questions during the process contributed to things like speech language therapy being left out of the final proposed IEP.

25. WCS committed no procedural violations of the IDEA either. While there was no requirement to invite [REDACTED] staff to the IEP meetings, WCS did reach out to [REDACTED] staff during the process. Additionally, [REDACTED] parents were invited to every meeting, and their input was incorporated into the IEP. Placement was discussed upon completion of the IEP. Conflicting testimony about what Dr. [REDACTED] may have said after the ILP

meeting at [REDACTED] is not enough evidence to prove that WCS had already made up its mind about placement prior to going through the IEP process.

It is therefore **Determined** that Respondent is in compliance with IDEA procedures. It is also **Determined** that Respondent has not committed any procedural or substantive violations of the IDEA. As such, it is unnecessary to address the issue of [REDACTED] appropriateness. Therefore, it is **ORDERED** that the remedies and relief sought by Petitioners are **DENIED**. Respondent is the prevailing party in this matter.

This Initial Order entered and effective this 6th day of September 2016.



Michael Begley
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 6th day of SEPTEMBER 2016.



J. Richard Collier, Director
Administrative Procedures Division

APPENDIX A TO INITIAL ORDER

NOTICE OF APPEAL PROCEDURES

Review of Initial Order

This Initial Order shall become a Final Order (reviewable as set forth below) fifteen (15) days after the entry date of this Initial Order, unless either or both of the following actions are taken:

(1) A party files a petition for appeal to the agency, stating the basis of the appeal, or the agency on its own motion gives written notice of its intention to review the Initial Order, within fifteen (15) days after the entry date of the Initial Order. If either of these actions occurs, there is no Final Order until review by the agency and entry of a new Final Order or adoption and entry of the Initial Order, in whole or in part, as the Final Order. A petition for appeal to the agency must be filed within the proper time period with the Administrative Procedures Division of the Office of the Secretary of State, 8th Floor, William R. Snodgrass Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243. (Telephone No. (615) 741-7008). See Tennessee Code Annotated, Section (T.C.A. §) 4-5-315, on review of initial orders by the agency.

(2) A party files a petition for reconsideration of this Initial Order, stating the specific reasons why the Initial Order was in error within fifteen (15) days after the entry date of the Initial Order. This petition must be filed with the Administrative Procedures Division at the above address. A petition for reconsideration is deemed denied if no action is taken within twenty (20) days of filing. A new fifteen (15) day period for the filing of an appeal to the agency (as set forth in paragraph (1) above) starts to run from the entry date of an order disposing of a petition for reconsideration, or from the twentieth day after filing of the petition, if no order is issued. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Initial Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

Review of Final Order

Within fifteen (15) days after the Initial Order becomes a Final Order, a party may file a petition for reconsideration of the Final Order, in which petitioner shall state the specific reasons why the Initial Order was in error. If no action is taken within twenty (20) days of filing of the petition, it is deemed denied. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Final Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER

A person who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in a Chancery Court having jurisdiction (generally, Davidson County Chancery Court) within sixty (60) days after the entry date of a Final Order or, if a petition for reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the petition. (However, the filing of a petition for reconsideration does not itself act to extend the sixty day period, if the petition is not granted.) A reviewing court also may order a stay of the Final Order upon appropriate terms. See T.C.A. §4-5-322 and §4-5-317.