

Tennessee Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 59.4%. These data represent progress from the FFY 2006 data of 55.4%.</p> <p>The State met its FFY 2007 target of 56.9%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 16.9%. The FFY 2006 data were 16.4%.</p> <p>The State did not meet its FFY 2007 target of 14.9%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 56.5%. These data represent progress from the FFY 2006 data of 51.1%.</p> <p>The State did not meet its FFY 2007 target of 70.5%.</p>	<p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 99.1% for reading and 99.1% for math.</p> <p>The State met its FFY 2007 targets of 95%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to reexamine its data and include in the FFY 2007 APR, due February 2, 2009 an explanation of why its FFY 2006 participation data exceeded 100%. The State provided the required information. The State explained that last year it</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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standards. [Results Indicator]	attempted to align the December 1 count with the State’s assessment participation data and reported that this year it is calculating the participation rate of the students counted on the December 1, 2007 child count.	
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 78.69% for reading and 67.42% for math.</p> <p>These data represent progress from the FFY 2006 data of 77.27% for reading and progress from the FFY 2006 data of 58.43% for math.</p> <p>The State did not meet its FFY 2007 target of 79% for reading and met its FFY 2007 target of 65.2% for math.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to reexamine its data in the FFY 2007 APR, due February 2, 2009, and ensure that its proficiency rate is accurately reported. The State provided the required information. The State explained that last year it attempted to align the December 1 count with the State’s assessment participation data and reported that this year it is calculating the proficiency rate of the students counted on the December 1, 2007 child count.</p>	OSEP appreciates the State’s efforts to improve performance and OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and [Results Indicator]	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 28%. These data represent slippage from the FFY 2006 data of 26%.</p> <p>The State did not meet its FFY 2007 target of 22.5%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, a description of how the State reviewed, and if appropriate, revised (or required the affected LEAs to revise), the LEA’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies for FFY 2006. The State did not provide the required information. The State reported that the review of policies,</p>	<p>The State did not provide a description of how the State reviewed, and if appropriate, revised (or required the affected LEAs to revise), the LEA’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies in FFY 2006. This represents noncompliance with 34 CFR §300.170(b).</p> <p>The State reported that noncompliance</p>

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	<p>procedures and practices by those LEAs identified with noncompliance, as well as all other LEAs in the State, was accomplished through assurance statements provided by all LEAs annually in the Comprehensive Application for Special Education Services. This does not meet the requirement in 34 CFR §300.170(b). The State reported that it has a plan for the review, and if appropriate, the revision of policies, procedures and practices by all LEAs with a significant discrepancy in the number of students suspended over 10 days. The State reported that this plan would be implemented for the 08-09 school year and beyond.</p> <p>The State reported that two of two findings of noncompliance identified in FFY 2006 related to Indicator 4 were corrected.</p>	<p>identified in FFY 2006 related to this indicator was corrected in a timely manner.</p> <p>As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State’s examination of data from FFY 2007 (2007-2008). In addition, the State must describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2006 and FFY 2007, as required by 34 CFR §300.170(b).</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator]</p>	<p>States were not required to report on this indicator for FFY 2007.</p>	<p>The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.</p>
<p>5. Percent of children with IEPs</p>	<p>The State’s reported data for this indicator are:</p>	<p>OSEP appreciates the State’s efforts to</p>

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<p>aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	improve performance.
	A. % Removed from regular class less than 21% of the day.	63.44	56.31	54.00	-7.13%	
	B. % Removed from regular class greater than 60% of the day.	10.90	13.52	14.00	-2.62%	
	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	1.76	1.98	4.0	-0.22%	
	These data represent slippage for 5A, 5B and 5C from the FFY 2006 data.					
	The State met all of its FFY 2007 targets for this indicator.					
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	States were not required to report on this indicator for FFY 2007.					The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/</p>	The State's FFY 2007 reported progress data for this indicator are:					The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.
	07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior		

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	a. % of preschoolers who did not improve functioning.	1	2	2	
	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	11	8	7	
	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	23	24	12	
	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	39	27	26	
	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	26	39	53	
	Total (approx. 100%)	100.00%	100.00%	100.00%	
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]	The State's FFY 2007 reported data for this indicator are 97%. These data represent progress from the FFY 2006 data of 92%. The State met its FFY 2007 target of 93%. The State reported that the data for this indicator were collected from a response group that was not representative of the population. The State provided improvement activities to address this issue. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, valid and reliable data consistent with the required measurement (i.e., the percent of parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities, not the percent of positive answers in the survey). The State provided the required information.				OSEP appreciates the State's efforts to improve performance. The State reported that the data for this indicator were based on a parent survey response group that is not representative of the State's population. The State provided improvement activities to address this issue. In the FFY 2008 APR, due February 1, 2010, the State must continue to indicate whether its response group is representative of the State's population and, if not, the actions the State is taking to address this issue.

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the FFY 2005 baseline data, FFY 2006 data and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the revised FFY 2006 data of 0%.</p> <p>The State met its FFY 2007 target of 0%.</p> <p>The State reported that no districts were identified in FFY 2007 as having disproportionate representation of racial or ethnic groups in special education and related services based on the State's calculation of the data.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR due February 2, 2009, complete FFY 2005 baseline data and FFY 2007 progress data. The State provided the required information. The State was also required to include in the FFY 2007 APR, due February 2, 2009, data demonstrating the LEAs identified in FFY 2005 and FFY 2006 as having disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. Because the State provided revised FFY 2005 and FFY 2006 data of 0%, the State is not required to provide this information.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the FFY 2005 baseline data, FFY 2006 data and improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the revised FFY 2006 data of 0%.</p> <p>The State met its FFY 2007 target of 0%.</p> <p>The State reported the actual number of districts determined in FFY 2007 to have disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, complete FFY 2005 baseline data and FFY 2007 progress data consistent with the required measurement (the total percent of districts with disproportionate representation of racial and ethnic groups in any of the specific disability</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>

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	<p>categories that is the result of inappropriate identification). The State provided the required information. The State was also required to include in the FFY 2007 APR, due February 2, 2009, data demonstrating the LEAs identified in FFY 2005 and FFY 2006 as having disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements of 34 CFR §§300.111, 300.201 and 300.301 through 300.311. Because the State provided revised FFY 2005 and FFY 2006 data of 0%, the State is not required to provide this information.</p>	
<p>11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 90.2%. These data represent progress from the FFY 2006 data of 82%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009 data on:</p> <ol style="list-style-type: none"> 1) The number of children determined not eligible whose evaluations were completed within the State timeline; and 2) The range of days beyond the timeline when the evaluation was completed and any reasons for the delay. <p>The State provided the required information.</p> <p>The State reported that seven of 18 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining 11 findings subsequently were corrected within two weeks after the one-year timeline for verifying the correction of noncompliance.</p>	<p>The State reported that noncompliance identified in FFY 2006 with the timely initial evaluations requirements in 34 CFR §300.301(c)(1) was corrected.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.</p> <p>The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement</p>

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<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 84.7%. These data represent progress from the FFY 2006 data of 47.1%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009 data on:</p> <ol style="list-style-type: none"> 1) The number children for whom parental refusal to provide consent caused delays in evaluation or initial services; and 2) The range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delay. <p>The State provided the required information.</p> <p>The State reported that four of 10 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining six findings were corrected no later than two weeks after the one-year timeline for verifying the correction of noncompliance.</p>	<p>activities and revise them, if necessary to ensure compliance.</p> <p>The State reported that noncompliance identified in FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was corrected.</p> <p>The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p>
<p>13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.</p>	<p>The State’s FFY 2007 reported data for this indicator are 50%. These data represent progress from the FFY 2006 data of 11%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>The State reported that seven of 23 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining 16</p>	<p>The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was corrected.</p> <p>Although the State is not required to report data for this indicator in the FFY 2008</p>

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[Compliance Indicator]	findings were corrected no later than two weeks after the one-year timeline for verifying the correction of noncompliance.	APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.																
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2007 reported data for this indicator are:</p> <table border="1" data-bbox="562 902 1432 1320"> <thead> <tr> <th></th> <th>FFY 2006</th> <th>FFY 2007</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>Percent of youth who are competitively employed.</td> <td align="center">55</td> <td align="center">71.8</td> <td align="center">16.80%</td> </tr> <tr> <td>Percent of youth who are in some type of postsecondary school.</td> <td align="center">27</td> <td align="center">41.2</td> <td align="center">14.20%</td> </tr> <tr> <td>Percent of youth who are both competitively employed and in some type of postsecondary school.</td> <td align="center">11</td> <td align="center">15.6</td> <td align="center">4.60%</td> </tr> </tbody> </table> <p>These data represent progress from the FFY 2006 data. The State met all of its FFY 2007 targets for this indicator.</p> <p>The State reported that the data for this indicator were collected from a response group that was not representative of the population. The State</p>		FFY 2006	FFY 2007	Progress	Percent of youth who are competitively employed.	55	71.8	16.80%	Percent of youth who are in some type of postsecondary school.	27	41.2	14.20%	Percent of youth who are both competitively employed and in some type of postsecondary school.	11	15.6	4.60%	The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.
	FFY 2006	FFY 2007	Progress															
Percent of youth who are competitively employed.	55	71.8	16.80%															
Percent of youth who are in some type of postsecondary school.	27	41.2	14.20%															
Percent of youth who are both competitively employed and in some type of postsecondary school.	11	15.6	4.60%															

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	provided improvement activities to address this issue.	
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 72.7%. Because OSEP required the State to change its calculation for this measurement in the January 15, 2009 verification letter, OSEP cannot determine if there was progress or slippage.</p> <p>The State reported that 144 of 198 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that the remaining 54 findings were corrected no later than two weeks after the one-year timeline for verifying the correction of noncompliance.</p> <p>The State did not meet its FFY 2007 target of 100%.</p> <p>OSEP’s June 6, 2008 FFY 2006 SPP/APR response table required the State to include in the FFY 2007 APR, due February 2, 2009, clarification that its FFY 2007 data on timely correction of findings of noncompliance identified in FFY 2006 includes findings of noncompliance identified during 2006-2007 through complaints and due process hearings. The State provided the required information. The State reported that 84 findings of noncompliance were identified in FFY 2006 through complaints and two findings of noncompliance were identified in FFY 2006 through due process hearings.</p> <p>OSEP’s January 15, 2009 verification letter and enclosure required the State to include in the FFY 2007 APR, due February 2, 2009, information on whether the noncompliance identified in 2006-2007 in the LEA visited by OSEP has been corrected since the verification visit and if they have not been corrected, describe what actions, including technical assistance and enforcement actions that the State has taken. The State reported in its March 16, 2009 response to the verification letter that all findings of noncompliance identified in the LEA visited by OSEP during the verification visit have been corrected.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.</p> <p>In reporting on correction of noncompliance, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State’s monitoring system, through the State’s data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02.</p> <p>In addition, in responding to Indicators 4A, 11, 12, and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.</p> <p>In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.</p> <p>OSEP’s January 15, 2009 verification letter and enclosure under Critical Element GS 2 required the State to submit documentation within 60 calendar days</p>

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		<p>that its procedures for ensuring correction of noncompliance include that the State: (1) verifies the correction of identified noncompliance no later than one year after the State’s identification of noncompliance; and (2) determines in each LEA with identified noncompliance that the LEA is correctly implementing the specific statutory or regulatory requirements. This determination must be based on the State’s review of updated data, including but not limited to, examining student records from subsequent on-site monitoring or data collected through a State data system. (20 U.S.C. 1412(a)(11), 20 U.S.C. 1416, 20 U.S.C. 1232d(b)(3)(A), 34 CFR §300.149, 34 CFR §300.600).</p> <p>The State provided documentation in its March 16, 2009 response to the verification letter that it amended its monitoring procedures to meet the above requirements. The State reported that the new procedures are currently in draft form and upon completion and before implementation, the State Advisory Council would review and provide input and/or approval of the procedures. The State must report in the FFY 2008 APR, due February 1, 2010, if any changes have been made to the draft procedures provided in the State’s March 15, 2009 letter, and if the draft procedures have been finalized.</p> <p>OSEP’s January 15, 2009 verification letter and enclosure under Critical Element GS-5, required the State to provide</p>

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		<p>documentation that the State’s procedures for making annual determinations on the performance of its LEAs includes, at a minimum, consideration of: (1) all SPP/APR compliance indicators; (2) whether an LEA submitted valid and reliable data for each indicator; (3) LEA-specific audit findings; and (4) any uncorrected noncompliance from any source. The State provided documentation in its March 16, 2009 response that it has revised its procedures for making annual LEA determinations and beginning in the Fall of 2009, based on FFY 2008 data, the State will begin making determinations using the new procedures. The State has informed OSEP that it will also be revising the 2007-2008 determinations to include consideration of the above factors.</p>
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The State met its FFY 2007 target of 100%.</p> <p>OSEP’s January 15, 2009 verification visit letter required the State to include in the FFY 2007 APR, due February 2, 2009, verification that the data submitted for this indicator is consistent with the timeline requirements set forth in 34 CFR §300.152. The State provided the required information. The State reported that it counts a State complaint decision as timely only if the State issues the decision within 60 days from the date that the State received the complaint or within an appropriately extended timeline.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with timely complaint resolution requirements in 34 CFR §300.152.</p> <p>OSEP’s January 15, 2009 verification letter and enclosure under Critical Element GS 3 required the State to submit documentation within 60 calendar days demonstrating that the State:</p> <p>1) Issues written decisions resolving State complaints that contain findings of fact and conclusions and the reasons for the State’s final decision (34 CFR §300.152(a)(5)(i) and (ii)). In its March 16, 2009 response, the State provided 19 IDEA Part B written complaint decisions issued since the</p>

Tennessee Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>verification visit. OSEP concluded that these 19 decisions met the content requirements in 34 CFR §300.152(a)(5)(i) and (ii). The State also provided a Memo on Part B Administrative Complaint Decisions that requires that written complaint decisions include the required content.</p> <p>2) Ensures compliance with the requirement that written decisions resolving State complaints are issued within 60 days after the complaint is filed, unless the timeline is extended and that it is properly documenting that extensions are granted only if exceptional circumstances exist with respect to a particular complaint or the parties agree to engage in mediation (34 CFR §300.152(a) and (b)(1)). The State provided a Memo on Part B Administrative Complaint Extensions. However, the Memo is inconsistent with 34 CFR §300.152(a) and (b)(1). The memo states that the State is required to issue a written decision to the complainant “within 60 days after the complaint is filed, unless the time limit is extended because exceptional circumstances exist with respect to a particular complaint or the parties agree to extend the time.” The State reported that it documents each extension granted in the form of a letter to the District.</p> <p>Within 60 calendar days of the issuance of the APR Response Table, the State must: (1) submit a revised Memo on Part B Administrative Complaint Extensions that</p>

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		<p>is consistent with 34 CFR §300.152(a) and (b)(1) and (2) clarify the that the letter to the district that documents each extension granted includes a statement of the exceptional circumstances justifying the extension or that the parties have agreed to engage in mediation. The State must also include all written complaint decisions issued since February 2, 2009. If the timeline is extended for any of these decisions, the State must provide the letter to the district documenting the extension, and if not included in the letter, a statement of the exceptional circumstances justifying the extension or that the parties have agreed to engage in mediation.</p> <p>3) The State also reported that it was not necessary to grant any extensions between the dates of September 26, 2008 and February 2, 2009. However, OSEP reviewed 19 Part B written complaint decisions issued between September 26, 2008 and March 15, 2009 and found that two written complaint decisions were not issued within 60 days after the complaint was filed. One complaint from Knox County was received on November 25, 2008 and the decision was issued on February 6, 2009 and the other complaint from Maury County was received on October 1, 2008 and the decision was issued on December 6, 2008. Therefore, the State will not be able to meet its target of 100% in the FFY 2008 APR, due February 1, 2010. The State must clarify in the FFY 2008 APR, due February 1,</p>

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Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>2010, that the data reported for Indicator 16 is consistent with the timeline requirements in 34 CFR §300.152(a) and (b)(1) (that the State counts a State complaint decision as timely only if the State issues the decision within 60 days from the date that the State received the complaint or within an appropriately extended timeline).</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. [Compliance Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 100%. These data are based on one due process hearing. These data remain unchanged from the FFY 2006 data of 100%.</p> <p>The State met its FFY 2007 target of 100%.</p> <p>OSEP’s January 15, 2009 verification visit letter required the State to include in the FFY 2007 APR, due February 2, 2009, that the data submitted for this indicator are consistent with the timeline requirements set forth in 34 CFR §300.515. The State provided the required information. The State reported that it counts a due process hearing decision as reached within an extended timeline only if there is documentation that the hearing officer granted a specific extension of the 45-day timeline at the request of a party that specified either the length of the extension or the new date by which the decision must be reached and mailed to the parties.</p>	<p>OSEP appreciates the State’s efforts in achieving compliance with the due process hearing timelines requirements in 34 CFR §300.515.</p> <p>OSEP’s January 15, 2009 verification letter and enclosure under GS Critical Element 3, required the State to submit documentation by March 15, 2009, demonstrating that the State ensures compliance with the requirement that hearing officers grant specific extensions of the 45-day timeline for issuing final decisions in due process hearings at the request of a party that specify either the length of the extension or the new date by which the decision must be reached and mailed to the parties (34 CFR §300.515(a) and (c)). The State provided documentation in its March 16, 2009 response to the verification letter that the Administrative Procedures Division has adopted procedures to meet the above requirements.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were</p>	<p>The State revised the improvement activities and targets for this indicator and OSEP accepts those revisions.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>

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<p>resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 16.7%. These data represent slippage from the FFY 2006 data of 55%.</p> <p>The State met its FFY 2007 target of 3%.</p>	
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State’s FFY 2007 reported data for this indicator are 73.9%. These data represent progress from the FFY 2006 data of 67%.</p> <p>The State met its FFY 2007 target of 55%.</p>	<p>OSEP appreciates the State’s efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State revised the improvement activities for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2007 reported data for this indicator are 91%. These data represent progress from the FFY 2006 of 79%.</p> <p>The State did not meet its FFY 2007 target of 100%.</p>	<p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2008 APR, due February 1, 2010, demonstrating that the State is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).</p> <p>In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.</p>