

Tennessee

IDEA Part B

Annual Performance Report

FFY2009



State of Tennessee
Department of Education
Division of Special Education

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Part B Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

The Part B, IDEA Annual Performance Report (APR) for Tennessee was developed in conjunction with and approved by the State's Advisory Council and the State's Interagency Coordinating Council for appropriate indicators.

TDOE staff attended the MSRRRC-sponsored workshop on APR improvement activities in the spring of 2010. As a result, a number of improvement activities listed in the APR are shown in this APR year as discontinued for one or both of the following reasons. First, the activity is part of the ongoing operations of the TDOE, for example, ongoing training is an activity that the TDOE does on an ongoing basis and is not necessarily considered targeted improvement. Second, the activity may only be generally related to the indicator and might or might not have an effect on results. Moreover, given the tangential or indirect nature of the activity relative to the indicator, conducting measures to show possible effect is outside the fiscal resources of the TDOE. The TDOE will instead begin to focus and measure improvement activities that are directly related to improving indicator results.

Note on Improvement Activities: The most recent APR always includes the current and active improvement activities. Some of the original SPP improvement activities (see SPP document) have been completed or discontinued and new activities added. Changes to activities are annually documented in the APR. For the most part, the SPP document will list original activities written in Year 1 of the SPP, and additional activities added when an indicator was revised or newly required.

Tennessee Race to the Top (RTTT) Award

Tennessee was one of just two states selected on Mar. 29, 2010, to receive millions of dollars for education in the first round of the federal government's Race to the Top competition. The funds will allow Tennessee to implement a comprehensive set of school reform plans over the next four years. The \$4.35 billion Race to the Top Fund is an unprecedented federal investment designed to reward states leading the way in comprehensive, coherent, statewide education reform across four key areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace
- Building data systems that measure student growth and success, and inform teachers and principals how to improve instruction
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most
- Turning around their lowest-performing schools

<http://tn.gov/firsttothetop/index.html>

In order to complete this document:

1. Data were gathered from the Federal Data Reports, state End of Year (EOY) Reports, state and federal statistical analysis reports, parent surveys, monitoring information, advocacy and parent groups, and local education agency (LEA) personnel whenever possible. The Office of Data Services reformatted some information into tables that could be used for completion of indicators.
2. All indicator chairpersons were assigned tasks specific to overall management and accountability as well as specific timelines for completion of assigned indicators. The SPP/APR Director was responsible for overall completion and submission of the final APR.

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3. The Tennessee Department of Education (TDOE) SPP/APR Director contacted the State Advisory Council, and the State Interagency Coordinating Council (ICC), requesting member participation. Each chairperson was then responsible for communication with stakeholders connected to their indicator and for ensuring that all information and suggestions were considered in the development and finalization of particular indicators. Staff from the TDOE's Division of Teaching & Learning, Division of Early Childhood, Division of Evaluation & Assessment, and Division of Accountability, members of both the State Advisory Council and the State Interagency Coordinating Council provided feedback. Additionally, chairpersons were involved in establishing, updating and, in some cases, conducting improvement activities.
4. TDOE reports annually to the public on the State's progress or slippage in meeting "measurable and rigorous targets" found in the SPP/APR through the State's website *The State Report Card*, an electronic document also found on the State's website, *is* available by the middle of each school year for the previous school year and serves to notify the public of each LEA's performance on the targets of the SPP/APR.
5. Once the document was compiled, the draft was submitted to the State SPP/APR Advisory Council on **October 11, 2010 and January 10, 2011** for exchange of information and review. The document was also submitted to the Mid South Regional Resource Center (MSRRC) in **December of 2010** for review before the entire document was finalized for delivery to OSEP.

This APR and revised SPP will be disseminated by email notification to known organizations, parent groups, and LEAs throughout the state via website www.state.tn.us/education/speced/data_reports.shtml.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
FFY2009	<i>Increase the graduation rate of students with disabilities 1.5% per year.</i>

Actual Target Data for FFY2009:

Graduated with regular diploma (5,142)

divided by

Graduated with regular diploma (5,142) + drop outs (1,050) + special education certificate (1,382)

$$5,142 / 7,574 \times 100 = 67.89\%$$

The data used to measure Indicator 1 are based on data the state is required to report to the Department under Title 1 of the Elementary and Secondary Act (ESEA) as part of its Consolidated State Performance Report (CSPR) Section 1.8.1. Data used to measure this indicator match data submitted in Section 1.8.1 of Part I of Tennessee's 2009-10 CSPR for the subgroup of Children with Disabilities (IDEA) submitted in December, 2010.

Graduation requirements that must be met for all students, including students with disabilities, to receive a regular high school diploma, are listed below:

- English 4 units
- Mathematics 4 units
- Science 3 units
- Social Studies 3 units
- Foreign Language 2 units
- Fine Arts 1 unit
- Physical Education & Wellness 1.5 units
- Personal Finance 0.5 units
- Elective Focus 3 units

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To earn a regular high school diploma, all students must earn the prescribed 22 unit minimum and have a satisfactory attendance and discipline record.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

The ESEA graduation rate target of 90% was not met and it could not be determined if a 1.5% increase occurred as the rate this year was calculated differently than last year's rate making this a new baseline rate. As documented on page 56 of 70 in Part 1 of Tennessee's FFY 2008 CSPR, TDOE was unable to calculate the graduation rate for the children with disabilities (IDEA) subgroup using the data source for the other CSPR subgroups last year (<http://www2.ed.gov/admins/lead/account/consolidated/sy08-09part1/tn.pdf>). This year, FFY 2009, the CSPR section 1.8.1 (page 61) does include the graduation rate calculation for the children with disabilities (IDEA) subgroup and that same rate is reported as the measure for this APR indicator.

The TDOE data governance team is moving toward implementation of the National Governor's Association (NGA) cohort approach for calculating graduation rate. Data for this Indicator for the APR submission due February, 2012 will reflect the state's change to NGA cohort graduation rate calculation and will be considered a new baseline. Timelines for the state's change in the NCLB AYP graduation calculation were submitted in January, 2009.

See <http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>.

Improvement Activities	Discussion of Improvement Activities Completed and progress or slippage that occurred for FFY2009
Beginning with 2005-06 data, compare graduation rates statewide and by LEA to analyze the need for improvement. Identify LEAs with graduation rates lower than the state average for youth with IEPs.	TN. Department of Education will compare graduation rates from year to year when rates are calculated by the same method for at least two consecutive school years; Comparisons will then enable TDOE to analyze rates for improvement/lack of improvement. Progress - NA this period /ongoing activity.
Provide extensive training for test accommodations for use with state mandated assessments	This training is provided on an ongoing basis. As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.
Encourage/Emphasize student participation in work based learning	Regional trainings are routinely held every year in each of the three regional divisions of the state. As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.
Training for reading instruction for all grades will be emphasized across the state	<i>Reading Summits</i> for teachers of all grades are held annually. Additionally, trainings on new statewide content standards were held across the state. The TDOE also held a Graduation Summit for all LEAs within the state in the spring of 2010.

	<p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Ongoing use of credit recovery programs to impact graduation rates in a positive manner.</p>	<p>These programs continue to be utilized across the state. LEAs maintain documentation of their implementation. (Credit Recovery allows students who have missed passing a class by just a few points, the opportunity to recover the credit.) Credit recovery programs are integrated into the regular program for all students (General and special education).</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity</p> <p>Progress made.</p>
<p>Award AYP grants to LEAs who failed to meet ESEA scores for High School graduation rates for students with disabilities.</p>	<p>TDOE did not award "AYP specific" grants to LEAs during the 2009-2010 school year. This was due to the additional stimulus monies that each LEA was awarded.</p> <p>Funding of this activity may resume next year after stimulus monies are exhausted.</p>
<p>Table relationships will be built in the TDOE data warehouse to correctly identify the IDEA subgroup of students within the ESEA data.</p>	<p>This was a one time activity of the TDOE and has been successfully completed/implemented. .</p> <p>Progress made.</p> <p>Discontinue Activity</p>

Revisions, with Justification, to Proposed Targets (see SPP) / Improvement Activities / Timelines / Resources for FFY2010

Activities	Timeline	Resources
<p>Secure technical assistance from the MidSouth Regional Resource Center (MSRRC) and other resources, as guided by the MSRRC, in developing new graduation rate improvement activities to be reported on in the FFY 2010 APR.</p>	<p>2010-2011</p>	<p>TDOE Staff, MSRRC Staff</p>

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
FFY2009	<i>Decrease the dropout rate of students with disabilities 1.5% per year.</i>

Actual Target Data for FFY2009:

Count of students with disabilities who dropped out (1,050)

divided by

Count of students with disabilities in grades 9-12 in 2008-2009 (31,671)

$$1,050/31,671 = 3.32\%$$

The data reported above for FFY 2009 provide the annual event school dropout rate from Title I ESEA data (CSPR section 1.8.2, page 62) for the 2008-09 school year. This dropout rate for all subgroups reported, including the children with disabilities (IDEA) subgroup, is calculated using the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistic's (NCES) Common Core of Data (CCD) for the previous school year (SY 2008-09), as required in the instructions for CSPR section 1.8.2.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Year-to-year comparison of progress or slippage on this indicator could not be determined. It could not be determined if a 1.5% decrease occurred as the rate this year was calculated differently than last year's rate. As documented on page 57 of 70 in Part 1 of Tennessee's FFY 2008 CSPR, TDOE was unable to calculate the dropout rate for the children with disabilities (IDEA) subgroup using the data source for the other CSPR subgroups last year (<http://www2.ed.gov/admins/lead/account/consolidated/sy08-09part1/tn.pdf>). The measure used in this indicator last year was a modified cohort dropout rate calculation based on OSEP Table 4 students with disabilities exit data that cannot be compared to the annual event school dropout rate used in FFY 2009 CSPR.

The TDOE data governance team is moving toward implementation of the National Governor's Association (NGA) cohort approach for calculating dropout rate. Data for this Indicator for the APR submission due February, 2012 will reflect the state's change to NGA cohort dropout rate calculation and will be considered a new baseline. Timelines for the state's change in the NCLB AYP graduation calculation were submitted in January, 2009.

See <http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>.

Improvement Activities	Discussion of Improvement Activities Completed and progress or slippage that occurred for FFY2009
<p>Determine the ongoing availability of CTE programming for all students.</p>	<p>All LEAs within the state with high schools (128) continue to offer CTE programming for all students.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p> <hr/> <p>Contextual Academic Courses have been realigned to regular academic standards. However, these competencies will not be placed on-line. The Contextual Academics courses integrate theoretical concepts with practical, relevant applications. These courses are appropriate for students bound for advanced education or work. The courses are not designed as remedial courses. They are designed to place academic concepts within the context of workplace situations as a means of enhancing student understanding of these concepts. The standards are identical for all students.</p> <p>This activity has been completed successfully. Discontinue Activity.</p>
<p>Provide training to special education and general education teachers on differentiated instruction.</p>	<p>The TN State Improvement Grant continues to contract with Vanderbilt University (IRIS Center) for faculty enhancement via web-based modules for Differentiated Instruction. Every district and every public school teacher has access to this technical assistance. Additional training is also provided through the RISE Project.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Conduct review of dropout rates for all LEAs and identify those falling above an established target for focused monitoring and development of improvement planning as warranted.</p>	<p>The TN State Department of Education will compare dropout rates from year to year when dropout rates are calculated the same for at least two years in a row. Comparisons will enable TDOE to analyze rates for improvement.</p> <p>Progress made / ongoing activity</p>

<p>Data system improvement to manage the student record transfer from district to district to improve the accuracy of data regarding exiting students.</p>	<p>State Education Information System continues to build improved district to district validations at the student level to track exiting status. (e.g., drop out in one district found in another district, would update drop out status to “transfer to other instate district.”)</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Table relationships will be built in the TDOE data warehouse to correctly identify the IDEA subgroup of students within the ESEA drop out data.</p>	<p>This activity was successfully completed.</p> <p>Progress made.</p>

Revisions, with Justification, to Proposed Targets (see SPP) / Improvement Activities / Timelines / Resources for FFY2010

Activities	Timeline	Resources
<p>Development of an Early Warning Data System for dropout prevention. This is part of TN.'s Race To The Top Project (RTTT). The Early Warning Data System will consolidate student grades, behavior and attendance data into a dashboard for teachers and administrators to inform prevention, intervention and recovery strategies to ensure that students graduate college and career ready.</p>	<p>To be completed as a two-year process statewide Beginning Fall 2010 through 2012-2013</p>	<p>TDOE special education and data warehouse staff</p>
<p>Identify LEAs with highest dropout rates for students with disabilities. (20%+) Technical assistance will then be provided for those LEAs as designed by members of the graduation-drop out taskforce. This task force is led by the special education coordinator's of the State's Regional Resource Centers. TA details will be documented by the task force. Action plans relative to reducing rates will be</p>	<p>Beginning Fall, 2010 through 2012-2013</p>	<p>TDOE Staff / Graduation-Dropout Taskforce</p>

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developed and implemented and rates will be compared from year to year in order to determine if TA and action plans have been effective.		
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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Data gathered for Indicator 3 is based on Tennessee’s NCLB report for participation and proficiency rates for the Tennessee Comprehensive Assessment Program (TCAP) in FFY 09.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))Measurement:

A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

Targets and Actual Target Data for FFY 2009:

FFY 2009	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)			
Targets for FFY 2009 (2009-2010)	75.7%		Reading		Math		Reading		Math	
			95%		95%		81.5%		71.7%	
Actual Target Data for FFY 2009 (2009-2010)	#	%	#	%	#	%	#	%	#	%
		12	15.4	56754	99.2	54638	99.1	56754	24.9	54638

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*This note is applicable to all Participation and Performance tables in this indicator. For grades 3-8, FFY09 calculations regarding the number of students with IEPs assessed are based on student assessment data provided by the Office of Assessment, Evaluation, and Research. For High School assessments, numbers are based on the total number of First Time Test Takers for English II, Algebra I, TCAP-Alt PA Reading/Language Arts and Math. Secondary Assessments are given at the culmination of the course.

3.A - Actual AYP Target Data for FFY 2009:

FFY	Measurable and Rigorous Target
2009 (2009-2010)	<p>A. The percent of school districts meeting Tennessee’s objectives for AYP will increase to 75.7%.</p> <p>B. The 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 standards will continue to meet NCLB requirements of 95% participation in Reading and Mathematics.</p> <p>C. The percent of children with IEPs scoring “Proficient or Above” against grade level standards and alternate achievement standards on statewide Reading Assessments will increase to 81.5%.</p> <p>The percent of children with IEPs scoring “Proficient or Above” against grade level standards and alternate achievement standards on statewide Mathematics Assessments will increase to 71.7%.</p>

Districts with a disability subgroup that meet the State’s minimum “n” size AND met the State’s AYP target for the disability subgroup.

Year	Total Number of Districts	Number of Districts Meeting the “n” size	Number of Districts that meet the minimum “n” size and met AYP for FFY 2009	Percent of Districts
FFY 2009 (2009-2010)	136	78	12	15.38%

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3.B – Actual Participation Target Data for FFY 2009:

Disaggregated Target Data for Reading Participation:

TN Statewide Assessment 2009-2010		Participation Reading							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%
a	Children with IEPs	9056	9006	8797	8334	8152	7715	5694	56754	
b	IEPs in regular assessment without accommodations	2229	1781	1406	1153	1131	1186	1581	10467	18.4%
	(%)	24.6%	19.8%	16.0%	13.8%	13.9%	15.4%	27.8%		
c	IEPs in regular assessment with accommodations	4545	4489	4651	4930	4492	4026	3265	30398	53.6%
	(%)	50.2%	49.8%	52.9%	59.2%	55.1%	52.2%	57.3%		
d	IEPs in alternate assessment against modified standards	1543	2021	1963	1474	1760	1672	0	10433	18.38%
	(%)	17.0%	22.4%	22.3%	17.7%	21.6%	21.7%	0.00%		
e	IEPs in alternate assessment against alternate standards	685	664	726	711	691	754	747	4978	8.8%
	(%)	7.6%	7.4%	8.3%	8.5%	8.5%	9.8%	13.1%		
Overall Total (b+c+d+e) Participation (%)		9002	8955	8746	8268	8074	7638	5593	56276	99.2%
		99.4%	99.4%	99.4%	99.2%	99.0%	99.0%	98.2%		
Data below are included in a but not included in b, c, d, or e										
f	Invalid	5	11	6	4	4	1	3	34	0.1%
g	Medically Exempt	12	6	7	6	12	6	9	58	0.1%
h	ELL/R	3	0	0	0	0	2	0	5	0.0%
i	Absent	34	34	38	56	62	68	89	381	0.7%
Overall (b+c+d+e+f+g+h+i) Total Sum = 100%		9056	9006	8797	8334	8152	7715	5694	56754	
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

3.B – Actual Participation Target Data for FFY 2009:

Disaggregated Target Data for Math Participation:

TN Statewide	Participation Math	Total
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Assessment 2009-2010		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS		
									#	%
a	Children with IEPs	9052	9006	8795	8334	8150	7710	3591	54638	
b	IEPs in regular assessment without accommodations	2228	1781	1405	1151	1130	1181	1263	10139	18.6%
	(%)	24.6%	19.8%	16.0%	13.8%	13.9%	15.3%	35.2%		
c	IEPs in regular assessment with accommodations	4542	4476	4633	4909	4461	3997	1414	28432	52.0%
	(%)	50.2%	49.7%	52.7%	58.9%	54.7%	51.8%	39.4%		
d	IEPs in alternate assessment against modified standards	1539	2032	1975	1495	1787	1695	0	10523	19.3%
	(%)	17.0%	22.6%	22.5%	17.9%	21.9%	22.0%	0.0%		
e	IEPs in alternate assessment against alternate standards	685	664	726	711	691	754	843	5074	9.3%
	(%)	7.6%	7.4%	8.3%	8.5%	8.5%	9.8%	23.5%		
Overall Total (b+c+d+e) Participation (%)		8994	8953	8739	8266	8069	7627	3520	54168	99.1%
		99.4%	99.4%	99.4%	99.2%	99.0%	98.9%	98.0%		
Data below are included in a but not included in b, c, d, or e										
f	Invalid	5	10	6	4	4	0	3	32	0.1%
g	Medically Exempt	12	6	7	6	12	6	9	58	0.1%
h	Absent	41	37	43	58	65	77	59	380	0.7%
Overall (b+c+d+e+f+g+h) Total Sum = 100%		9052	9006	8795	8334	8150	7710	3591	54638	100.0%
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

3.C – Actual Performance Target Data for FFY 2009

Disaggregated Target Data for Reading Performance: # and % of students enrolled for a full academic year with IEPs that scored proficient or higher

TN Statewide Assessment 2009-2010		Performance Reading							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS		
									#	%
a	Children with IEPs	9056	9006	8797	8334	8152	7715	5694	56754	

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b	IEPs in regular assessment without accommodations	761	587	458	346	234	203	416	3005	5.3%
	(%)	8.4%	6.5%	5.2%	4.2%	2.9%	2.6%	7.3%		
c	IEPs in regular assessment with accommodations	492	452	522	532	268	169	486	2921	5.1%
	(%)	5.4%	5.0%	5.9%	6.4%	3.3%	2.2%	8.5%		
d	IEPs in alternate assessment against modified standards	539	693	1022	449	341	291	0	3335	6.0%
	(%)	6.0%	7.7%	11.6%	5.4%	4.2%	3.8%	0		
e	IEPs in alternate assessment against alternate standards	672	653	714	699	670	746	724	4878	8.6%
	(%)	7.42%	7.3%	8.1%	8.4%	8.2%	9.7%	12.7%		
Overall Total (b+c+d+e) Proficient (%)		2464	2385	2716	2026	1513	1409	1626	14139	24.9%
		27.2%	26.5%	30.9%	24.3%	18.6%	18.3%	28.6%		
Data below are included in a but not included in b, c, d, or e										
f	Basic	4130	3774	3758	3102	2846	3007	1946	22563	39.8%
g	Below Basic	2408	2796	2272	3140	3715	3222	2021	19574	34.5%
h	Invalid	5	11	6	4	4	1	3	34	0.1%
i	Medically Exempt	12	6	7	6	12	6	9	58	0.1%
j	ELL/R	3	0	0	0	0	2	0	5	0.0%
k	Absent	34	34	38	56	62	68	89	381	0.7%
Overall (b+c+d+e+f+g+h+i+j+k) Total Sum = 100%		9056	9006	8797	8334	8152	7715	5694	56754	100.0%
		100%	100%	100%	100%	100%	100%	100%		

3.C-Disaggregated Target Data for Math Performance: # and % of students enrolled for a full academic year with IEPs that scored proficient or higher

TN Statewide Assessment 2009-2010	Performance Math							Total	
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade HS	#	%

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a	Children with IEPs	9052	9006	8795	8334	8150	7710	3591	54638	
b	IEPs in regular assessment without accommodations	923	482	354	174	149	94	284	2460	4.5%
	(%)	10.2%	5.4%	4.0%	2.1%	1.8%	1.2%	7.9%		
c	IEPs in regular assessment with accommodations	552	269	285	155	134	88	183	1666	3.0%
	(%)	6.1%	3.0%	3.2%	1.9%	1.6%	1.1%	5.1%		
d	IEPs in alternate assessment against modified standards	571	512	306	274	56	48	0	1767	3.2%
	(%)	6.3%	5.7%	3.5%	3.3%	0.7%	0.6%	0.0%		
e	IEPs in alternate assessment against alternate standards	667	653	713	700	677	741	818	4969	9.1%
	(%)	7.4%	7.3%	8.1%	8.4%	8.3%	9.6%	22.8%		
Overall Total (b+c+d+e) Proficient (%)		2713	1916	1658	1303	1016	971	1285	10862	19.9%
		30.0%	21.3%	18.9%	15.6%	12.5%	12.6%	35.8%		
Data below are included in a but not included in b, c, d, or e										
f	Basic	4001	3672	2545	2116	1527	1164	1055	16080	29.4%
g	Below Basic	2280	3365	4536	4847	5526	5492	1180	27226	49.8%
h	Invalid	5	10	6	4	4	0	3	32	0.1%
i	Medically Exempt	12	6	7	6	12	6	9	58	0.1%
j	Absent	41	37	43	58	65	77	59	380	0.7%
Overall (b+c+d+e+f+g+h+i+j) Total Sum = 100%		9052	9006	8795	8334	8150	7710	3591	54638	100.0%
		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		

Reporting Information:

TDOE Report Card

<http://edu.reportcard.state.tn.us/pls/apex/f?p=200:1:1915830610268196>

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response

NONE	Not Applicable

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:

- A. The increase of the number of districts that did not meet AYP for SWD's with IEPs may be attributed to the Tennessee Diploma Project which became operational during the 2009-2010 school year. New rigorous content learning standards, new assessments, and new high school graduation requirements were implemented during FFY 09. In July 2010, the State Board of Education adopted new achievement levels: Advanced, Proficient, Basic, and Below Basic along with new cut scores. More information regarding the Tennessee Diploma Project may be found:

<http://tennessee.gov/education/TDP/index.shtml>

Further differentiation of 3A may be found in table below. Data is disaggregated by 3-8 and High School.

Grades 3-8	Reading	Math	Both Reading and Math
<45 (did not meet State minimum "n" size of 45)	14	14	14
Met AYP	93	65	63
Did Not Meet AYP	28	56	58
Met State Minimum "n" size of 45	121	121	121

Based on information from table Grades 3-8, 93 out of 121 districts who met the State's minimum "n" size of 45 met AYP for Reading. 65 out of 121 districts who met the State's minimum "n" size of 45 met AYP for Math. 63 out of 121 districts who met the State's minimum "n" size of 45 met AYP for in both areas of Reading and Math.

High School	Reading	Math	Both Reading and Math
<45 (did not meet State minimum "n" size of 45)	85	81	76
Met AYP	14	29	10
Did Not Meet AYP	20	9	19

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Met State Minimum “n” size of 45	34	38	29
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Based on information from table High School, 14 out of 34 districts who met the State’s minimum “n” size of 45 met AYP for Reading. 29 out of 38 districts who met the State’s minimum “n” size of 45 met AYP for Math. 10 out of 29 districts who met the State’s minimum “n” size of 45 met AYP in both areas of Reading and Math.

- B. The total participation rate of 99% for SWD’s with IEPs in a regular assessment without accommodations, regular assessment with accommodations, alternate assessment against modified standards, and alternate assessment against alternate standards met and exceeded NCLB’s requirements of 95% for student’s participation in Reading and Math. Tennessee used actual counts of all students who were and were not assessed in FFY 09. This allows for an accurate percentage of students with IEPs to report their results. The total participation rate of 99% was also met during FFY08. Tennessee continues to exceed NCLB’s expectations in the area of participation.
- C. Reading: In FFY 08, the percent of SWD’s with IEPs scoring “Proficient or Advanced” against grade level standards and alternate achievement standards on statewide Reading Assessments was 78%. The percent of SWD’s with IEPs scoring “Proficient or Advanced” against grade level standards, modified achievement standards, and alternate achievement standards for FFY 09 is 24.9%. Progress not made due to new rigorous expectations for all students in accordance to the Tennessee Diploma project initiative.

Math: In FFY 08, the percent of SWD’s with IEPs scoring “Proficient or Advanced” against grade level standards and alternate achievement standards on statewide Math assessments was 67.7%. The percent of SWD’s with IEPs scoring “Proficient or Advanced” against grade level standards, modified achievement standards, and alternate achievement standards for FFY 09 is 19.9%. Progress not made due to new rigorous expectations for all students in accordance to the Tennessee Diploma project initiative.

Tennessee ensures that there has been no change of data source for this indicator. The participation and performance rates for Reading and Math have been calculated using the same data sources for each year and may be used for determining progress or slippage from the 0809 to 0910 school years.

Improvement Activities	Discussion of Improvement Activities Completed and Explanation of Progress that occurred for FFY2009:
Institutionalize the comparison of participation rates and proficiency levels of SWDs w/ IEPs on TCAP Assessments. Improve student data reporting and collection.	<p>This is now an annual TDOE activity and results are posted on; http://edu.reportcard.state.tn.us/pls/apex/f?p=200:1:3439784438365178::NO</p> <p>This is an annual TDOE training activity begun in FFY07. As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.</p>
TCAP Accommodations Training – specific focus on definitions of accommodations and appropriate use.	<p>Several methods were utilized in accomplishing which encompassed the entire school year and are as follows: 2009-2010: Ongoing and Continuing, a) regional and statewide trainings, b) posting appropriate materials and training modules on the State assessment web site, and c) conference calls for clarification and training purposes. http://state.tn.us/education/assessment/accommodations.shtml</p> <p>Accommodation use is monitored through annual accommodation audits conducted by the Office of Assessment, Evaluation, and Research. Changes to the accommodation manual used by IEP teams to make accommodation decisions are based on information gathered by the audit. Additionally, specific</p>

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	<p>districts may be identified as needing additional training based on the audit data. As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made. .</p>
<p>Provide materials on TN's new high school End of Course assessments and the impact on SWDs.</p>	<p>Statewide training from the TN DOE Divisions of Curriculum and Instruction, Assessment, and Special Education. In the new High School Transition Policy, the State Board stipulated that End-of-Course examinations will be given in English I, English II, English III, Algebra I, Geometry, Algebra II, U.S. History, Biology I, Chemistry and Physics. http://state.tn.us/education/assessment/secondary.shtml As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.</p>
<p>Share effective programming strategies for increased proficiency rates on TCAP, TCAP-Alt, and Secondary Assessments</p>	<p>TCAP Achievement, TCAP-Alt MAAS, TCAP-Alt PA, Writing, Gateway, End of Course Assessment Information on State website: http://state.tn.us/education/assessment/index.shtml As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.</p>
<p>Share information gained from research through regional trainings and training modules posted on the Web.</p>	<p>Collaboration with several universities across the State through specified projects provide training/workshops/in service/and conferences addressing empirical evidence on accommodations, assessment, data collection and reporting, and student achievement. Some of these projects include EdExcellence through the University of Tennessee at Knoxville, Project RISE through the University of Memphis, and the IRIS Center for Faculty Enhancement through Peabody College at Vanderbilt University. Progress made. Continue activity.</p>
<p>Alternate Assessment Training including education regarding NCLB and IDEA testing requirements a) Regional training b) Update and posting of manuals and training modules on State web-site c). TCAP-Alt conference calls for LEAs</p>	<p>Several methods were utilized in accomplishing a), b), and c), which encompassed the entire school year and are as follows: a) and c) Yearly TCAP-Alt PA Manual training via multiple webcasts, telephone conference calls and training materials made available to school systems in compact disc format. http://state.tn.us/education/assessment/TCAP-AltPortfolio.shtml As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.</p>

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**Tennessee
State**

<p>Develop a modified alternate assessment</p>	<p>Tennessee followed guidelines to develop an Alternate Assessment based on Modified Academic Achievement Standards (AA – MAAS) for approximately 2% of the students with disabilities who are persistently non-proficient academically as measured by the standard statewide assessment TCAP. Tennessee was a member of an assessment consortium consisting of 5 states who through a GSEG Grant from OSEP and with the National Center on Educational Outcomes' (NCEO) guidance aggressively conducted research and gathered data for identification of the 2% student and development of an AA-MAAS. http://state.tn.us/education/assessment/alt_MAAS.shtml</p> <p>The TCAP-Alt MAAS was implemented 2009-10</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.</p>
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Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

<p>TDOE will provide statewide trainings to LEAs on standards based IEPs to facilitate improved access to the general education curriculum and environment for students with disabilities. (This activity included in indicator #5 as well)</p>	<p>2010-2011 through 2012-2013</p>	<p>TDOE staff and designees as Indicated.</p>
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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4A: Rates of suspension and expulsion:

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

Include State’s definition of “significant discrepancy.”

If the State used a minimum “n” size requirement, the State must report the number of districts excluded from the calculation as a result of this requirement.

In analyzing data for this indicator, the State must:

Use the data collected on Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days) for the school year 2008— 2009 due November 1, 2009. Sampling from State’s 618 data is not allowed.

Definition of Significant Discrepancy and Methodology

The State must provide a definition of “significant discrepancy” referencing the methodology used and the measure of how the rates were calculated (e.g. risk ratio, weighted risk ratio, comparison to a State average, or other).

The State must choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a)):

- Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State; or
- The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA.

Definition of Significant Discrepancy and Methodology

The State definition of Significant Discrepancy for any LEA is defined as 1% or more of student’s with disabilities suspended or expelled for greater than 10 days in a school year. Additionally, the State compares rates of suspension/expulsion for greater than 10 days among LEA’s in the State.

Actual Target Data for FFY 2009 (using 2008-2009 data)

FFY	Measurable and Rigorous Target
FFY 2009 <i>(using 2008-2009 data)</i>	The percent of LEAs having a significant discrepancy in the rates of suspension/expulsion will be reduced by 1.5%.

For this indicator, report data for the year before the reporting year (use 2008-2009 data).

Based on 2008-2009 data, 46 LEAs were identified with significant discrepancies in rates of suspension/expulsion

Describe the results of the State examination of the data.

The procedures used, as identified in the definition above, resulted in the identification of 46 discrepant LEAs. There was no “n” size requirement. The percentage of LEAs within the State identified as discrepant was 33.82% as calculated below.

4B(a) LEAs with Significant Discrepancy in Rates for Suspension and Expulsion:

Year	Total Number of LEAs*	Number of LEAs that have Significant Discrepancies	Percent**
FFY 2009 <i>(using 2008-2009 data)</i>	136	46	33.82%

*States can choose to either: (1) include the total number of LEAs in the State in the denominator; or (2) include only the number of LEAs that meet the minimum n-size in the denominator.

The target for FFY09 (08-09 data) was not met. The percentage of discrepant LEAs in FFY08 was 28% as compared to the FFY09 percentage of 33.82%. This increase might be attributed to the fact that the State’s data system for collecting suspension data was improved to the point of more accurately identifying ESEA subgroups including student’s with disabilities. Additionally, the State has a low discrepancy rate (i.e. 1%) that results in more LEAs being flagged for suspension/expulsion in some reporting periods. Based on this rate, a small LEA could be flagged for possibly only one or two students being suspended over 10 days. The State will review this rate and consider changes as indicated in the “revisions to improvement activities” section of this indicator.

Review of Policies, Procedures, and Practices (completed in FFY 2009 using 2008-2009 data): If any LEAs are identified with significant discrepancies;

- a. Describe how the State reviewed 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 that these policies, procedures, and practices comply with IDEA.

The State must complete this review by June 30, 2010. The failure of the State to conduct this review is noncompliance with 34 CFR §300.170(b); and

TDOE reviews 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 that these policies, procedures, and practices comply with IDEA by requiring each LEA identified as significantly discrepant (1% or greater) to provide data and information on their policies, procedures, and practices through a Self Assessment Instrument. The completed self assessments are reviewed by TDOE and decisions rendered as to whether noncompliance with IDEA exists, according to the following criteria:

1) culturally appropriate behavior supports 2) availability of services to students suspended or expelled 3) availability of an alternative school setting and criteria for required attendance 4) available training for personnel in positive behavior interventions and supports including research based practices and a "response to intervention" framework 5) use of data for evaluating student needs for supports 6) appropriateness of discipline referral procedures for all ethnicities 7) assurance that IEP teams consider PBIS and other strategies to address behavior in the IEP process 8) accurate reflection of current IDEA definitions of disciplinary change of placement 9) accurate inclusion of requirements for sped services for students removed in excess of 10 school days in a school year.

- b. *Report if the State identified any noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b). In addition to conducting the review required by 34 CFR §170(b), the State must report on the results of its review. The State must complete the review, and identify any noncompliance by June 30, 2010; and*

Utilizing the criteria listed above, 46 significantly discrepant LEAs were provided data and given a prescribed time period to complete a Self Assessment which incorporated a review of policies, procedures and practices. On first review of Self Assessment responses, 40 of these LEAs had no issues with policies, procedures, or practices. 6 of these LEAs received additional inquiry based on Self Assessment responses that indicated possible issues with their policies, procedures, or practices. Review by TDOE staff resulted in no findings of noncompliance in any LEAs identified as discrepant.

- c. *Describe how the State, if appropriate, revised (or required the affected LEA(s) to revise) 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 that these policies, procedures, and practices comply with IDEA.*

NOTE: the following procedures were not utilized as there were no findings requiring policy, procedure, or practice revisions in this reporting period.

LEAs identified with findings of noncompliance will be required to revise their policies, procedures and practices through staff training and revision of appropriate forms. The training may cover procedural safeguard requirements related to discipline, functional behavioral assessments, behavior intervention planning, the provision of FAPE for children suspended for more than 10 days, school-wide positive behavior support systems, components of the IEP that are related to discipline, and the use of the revised forms. The State will verify correction of noncompliance within one year. The State will report on the verification of correction of this noncompliance (that each LEA is correctly implementing the specific regulatory requirement(s) for which the noncompliance was identified) in the FFY 2010 APR, due February 1, 2012.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY2009
<p>Training in positive behavior supports, Functional Behavior Assessments, and effective use of Behavior Intervention Plans to all staff.</p>	<p>The Division contracts with seven universities to provide on-going training to LEAs in the area of Positive Behavior Support across the State.</p> <p>Staff from these projects provide individualized training based on the unique needs of each district, teacher, and student. Each project maintains documentation of all trainings and technical assistance provided. These contracts were all in place for the entire 2009-10 school year.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>All LEAs in the State with a discrepancy rate above 1% will be required to address TDOE requirements for lowering this rate. Follow up will be conducted to review rates and changes in these rates.</p>	<p>A review of policies, procedures, and practices was conducted, through use of a self assessment, for LEAs identified with a significant discrepancy. Following this review, LEAs with findings of noncompliance, were required to submit changes to the policy, procedure or practice identified as noncompliant. . Within one year, the State will follow up on the rates of discrepancy in these LEAs to determine if improvements have occurred.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made. .</p>
<p>All LEAs in the state with a discrepancy rate between .5 % and 1% (i.e. at risk) will be required to submit evidence of trainings or other local efforts to impact student behavior positively.</p>	<p>This activity completed through the "local letters of determination" process.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>

Correction of FFY 2008 Findings of Noncompliance *Do not report on the correction of noncompliance unless the State identified noncompliance as a result of the review required by 34 CFR §300.170(b).*

<p>1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) using 2007-2008 data</p>	<p>15</p>
<p>2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)</p>	<p>15</p>
<p>3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus</p>	<p>0</p>

(2)]	
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Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

NOT APPLICABLE

Verification of Correction (either timely or subsequent):

For those findings for which the State has reported correction, describe the process the State used to verify that the LEA is correctly implementing the specific regulatory requirement(s).

The 15 findings of noncompliance reported above, required a plan be submitted by the identified LEAs. The plan was written for the area of "Positive Behavior Interventions and Supports". Following State review this was the area requiring changes to policies, procedures or practices. . All plan's were reviewed by the State and verification of implementation in at least one school in each LEA was verified.

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

For FFY 2007 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

1. Number of remaining FFY 2007 findings (identified in July 1, 2007 – June 30, 2008 using 2006-2007 data), noted in OSEP's June 1, 2010, FFY 2008 APR response table for this indicator	0
1. Number of remaining FFY 2007 findings the State has verified as corrected	0
2. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):

Provide information regarding correction using the same format provided above.

Not Applicable

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
NONE	NOT REQUIRED

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for Section A in the FFY2010:

Activities	Timeline	Resources
The State will review its "significant discrepancy" definition, which is now set at a low threshold, and consider/adopt changes that will result in fewer numbers of LEAs being identified for relatively small numbers of suspensions/expulsions. This will provide a truer representation of LEAs with needs related to suspension/expulsion.	2010-11	TDOE staff, selected LEA administrators, MidSouth Regional Resource Center staff, outside consultant guidance
The TDOE will complete indicator #4 requirements for review of policies, procedures, and practices in a timely manner by setting specific calendar dates for each step of the process: including data analysis, notification to districts of analysis results, and review of LEA self assessments for noncompliance identification.	Beginning 2010-11 and ongoing	TDOE Staff, LEA Staff

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY2009	<ul style="list-style-type: none"> A) Increase to 55% the number of children with IEPs served inside the regular class 80% or more of the day. B) Decrease to 13% the number of children with IEPs served inside the regular class less than 40% of the day. C) Maintain a rate at or below the National average (i.e.3.71%-per the 2008 Part B Educational Environments Data file), the number of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements

Actual Target Data for FFY2009:

- A. Children with IEPs served Inside the regular class 80% or more of the day: Target met

Children inside the regular class 80% or more of the day	Total number of children with disabilities	Percentage
65,903	105,729	62.33%

- B. Children with IEPs served Inside the regular class less than 40% of the day: Target Met

Children inside the regular class less than 40% of the day	Total number of children with disabilities	Percentage
13,364	105,729	12.64%

C. Children with IEPs served in separate programs: Target met

Children in Separate Programs*	Total number of children with disabilities	Percentage
1,845	105,729	1.75%

*Children in separate programs include those receiving services in: separate public/private schools, public/private residential and homebound/hospital.

Source: Data from Table 3 of the December 1, 2009 Federal Census Report/EDFacts file N002. Percent of children with IEPs age 6 - 21.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The data for the 2009-10 school year was obtained from Table 3 of the December 1, 2009 Federal Census Report. Data reflect that 62.33% of children with IEPs were removed from Regular Class less than 21% of the day in comparison to 59.15% last school year. The state target of 55% has been met and exceeded. Data also reflects that 12.64% of children with IEPs were removed from Regular Class greater than 60% of the day in comparison to 13.24% last school year. The state target of 13% has been met. Children served in combined separate programs, which includes separate public/private schools, public/private residential schools and homebound/hospital placements comprise 1.75% of children served. This is less than the 3.71% national average which reflects that this target was met as well.

For 2009-10 all 136 school districts are using the statewide special education data system for reporting student level data. This consistency of data reporting provides for a high level of data accuracy as these student level data come directly from the IEP information. TN continues to meet the state targets relative to this indicator. Districts in the state generally provide a continuum of placements based on the least restrictive environment.

****Note:** The following information summarizes activities of Tennessee’s State Special Schools, and is provided as an indirect indicator activity related to LRE. State Special Schools provide programs and services to LEAs to promote best practices for inclusionary classrooms through statewide workshops and outreach services. A narrative of their activities follows:

The TN School for the Blind provides an evaluation and preschool diagnosis program for parents of children with severe vision loss and multiple disabilities. The evaluation is completed on the student and the school speaks with the parents on how to improve the inclusion process in the regular classroom setting. An enrichment program is offered to approximately 60 students in the summer for training on orientation and mobility, daily living skills and use of adaptive technology to enable the students to remain in an inclusive classroom. The school offers a statewide outreach program that supports over 120 students in order for vision students to remain in the regular classroom. TSB offers on and off campus inservice trainings to LEAs in the areas of student assessment, adaptive technologies, tactile graphics and basic orientation and mobility for students challenged by vision loss.

The TN School for the Deaf sponsor parent support groups in 8 cities throughout the state. The school sponsors a state-wide workshop for inclusion teachers on best practices. An annual workshop is held for director of schools, principals, and supervisors on best practices for an inclusionary classroom. A state-wide and regional program is held for education interpreters in the inclusionary classroom. An assessment of skills of the educational interpreter is also completed.

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The West TN School for the Deaf delivers school based workshops and in-service to educational team members in LEAs serving deaf/hard of hearing children who are mainstreamed. The school counselor provides periodic follow up and plans effectiveness assessments for a number of students in the West TN region. The New Sounds program counsels and educates parents of newly identified children ages birth to two.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY2009
<p>In-Service/Trainings are provided concerning modifications and accommodations in the general classroom for all teachers.</p>	<p>The following TDOE initiatives had associated trainings/in-services that were provided to LEAs in FFY09:</p> <ul style="list-style-type: none"> ▪ Differentiated Instruction ▪ Student Accommodations and Modifications Workshop ▪ Positive Behavior Support Grants ▪ After-School Initiatives ▪ Intervention Teams Working with Targeted Schools ▪ The TN-AT Initiative ▪ New State Standards Training ▪ TN High School Diploma Project Trainings ▪ Progress Monitoring Webinars ▪ Para-educator Trainings ▪ Inclusion Trainings <p>As this is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Award contracts to LEAs for facilitating the development of model demonstration sites using inclusionary methods and practices.</p>	<p>For FFY09 thirty-three (33) LEAs, compared to twenty-five (25) the previous year, were awarded grants in the amount of \$1,559,325. LEAs awarded grant funds were monitored and found to be in compliance with articulated inclusive practices.</p> <p>Please reference the revisions table, (Revision #1), for clarity of linkage of this activity to LRE progress made.</p> <p>Progress made. Continue activity.</p>
<p>Award AYP grants.</p>	<p>Please see Indicator 1, activity 6. This activity will be continued under Indicator 1, but discontinued here.</p>
<p>TDOE publicly recognizes LEAs / individual schools with exemplary inclusion programs.</p>	<p>During the spring of 2010, 6 schools from across the State were publicly recognized by TND OE for exemplary inclusion programs.</p> <p>Progress made.</p> <p>TDOE has determined that this activity lacks measurability as applicable to the APR and will be removed.</p>

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<p>Continue" Response to Intervention" Initiatives</p>	<p>TDOE provides a District RTI Action Plan template as a guide for LEAs to submit RTI plans for State approval.</p> <p>Hardeman County School System has been designated as the State RTI Demonstration Model Site and offered Professional Development at the Special Education and LEAD conferences as well as many visiting districts. All Hardeman-developed materials are available on the state website. Plans are to continue training utilizing Hardeman County's leadership staff, using the National Center on Response to Intervention technical assistance, and by approving more district RTI plans.</p> <p>TN SIG Grant coordinated with 19 additional school districts (for a total of 33) in all three regions to provide professional development on multi tiered instruction for reading/literacy as indicated below:</p> <p>Education consultants provided Professional Development to 40+ schools in the area of differentiated instruction, best practices in reading/literacy and Response to Intervention implementation. Targeted grades were: Pre-K-high school</p> <p>Continued to disseminate "Literacy for All" Special Education and Typically Developing Students, Schools, and Families" to school districts; It was also accessible online.</p> <p>"RTI: The Story of 3 Tennessee Schools" DVD continued to be disseminated among school districts and accessed online.</p> <p>For 09-10 scaled up the Professional Development to key leaders at the district level in the new districts using a "Train the Trainer" model.</p> <p>Plans to continue packaging all SIG PD products so that they are web-site accessible to all TN schools, pre-k through high school is ongoing.</p> <p>Progress made. Continue activity. The SIG funding expired in September 2010, but the RTI professional development activities will be continued under the State Personnel Development Grant (SPDG) initiative.</p> <p>Please reference the revisions table, (Revision #2), for a change in wording of this activity to provide clarity and linkage to LRE.</p>
<p>SIG Grant Coordinating with Reading First schools to provide professional development on multi tiered instruction for reading/literacy</p>	<p><i>Reading First</i> schools and non <i>Reading First</i> (k-3) schools were provided professional development on differentiated instruction, best practices in reading/literacy, and Response to Intervention implementation</p> <p>TN SIG education consultants provided professional development in the area of differentiated instruction, best practices in reading/literacy and RTI implementation. . Targeted grades were Pre K-8, and some high schools.</p> <p>Tennessee's Reading First and State Improvement Grant (SIG) initiatives concluded September 30, 2010. The professional development activities embedded in both grants will continue to be promoted as best practice instruction for students with and without disabilities. SIG grant activities will be carried out via the Division's State Personnel Development Grant (SPDG) that has been awarded through 2013.</p> <p>Progress made. Activity complete</p>

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<p>Voluntary Pre-K Legislation (May, 2005) which provides Pre-K programs for at-risk students focuses on natural environments and prepares LEAs to continue emphasis on LRE at age 6.</p>	<p>During FFY09, the education budget for the Voluntary Pre-K program was over \$83 million dollar and more than 18,000 children were served. Progress made. TDOE has determined that this activity lacks measurability and will be removed.</p>
<p>State Special Schools provide programs and services to LEAs to promote best practices for inclusionary classrooms through statewide workshops and outreach services.</p>	<p>**This information has been moved to the “Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY09” section of this indicator due to lack of direct measurability of LRE.</p>

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for Section A in the FFY2010:

Activities	Timeline	Resources
<p>(Revision #1 - Award contracts.....) TDOE will review and analyze placement data reported by school and districts of those LEAs awarded contracts to facilitate the development of model demonstration sites using inclusionary methods and practices.</p>	<p>2010-2011 through 2012-2013</p>	<p>TDOE Staff</p>
<p>(Revision #2 – Continue Response to Interventions Initiatives) TDOE will provide multiple methods of technical assistance and training to implement multi-tiered, school-wide academic(RTI) and behavioral (PBIS) supports to enhance the capacity of general and special educators to implement research based practices that will increase student access to the general education curriculum at grade level.</p>	<p>2010-2011 through 2012-2013</p>	<p>TDOE staff; TN SPDG Grant Partners; TDOE PBIS Grantees.</p>
<p>(NEW) TDOE will provide statewide trainings to LEAs on standards based IEPs to facilitate improved access to the general education curriculum and environment for students with disabilities.</p>	<p>2010-2011 through 2012-2013</p>	<p>TDOE staff and designees to be determined</p>

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- B. Separate special education class, separate school or residential facility.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.
- B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY2009	<i>The percent of preschool children with IEPs who received special education services in settings with typically developing peers (federally defined as: early childhood setting) will increase by 1%.</i>

Actual Target Data for FFY2009:

NOT REQUIRED FOR FFY2009

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Improvement Activities	Discussion of Improvement Activities completed and progress or slippage that occurred for FFY2009
Individual LEA analysis will identify specific LEAs not meeting the state target of FAPE in LRE so that: Immediate TA to LEAs may be planned In-service/training concerning modifications in the regular classroom for all students will be initiated	

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<p>Improvement plans may be written and monitored</p> <p>LEAs meeting the target may be recognized at the annual State Special Education Supervisors' Conference</p> <p>East, West, and Middle TN Preschool Consultants will provide training with the Special Education Office of Monitoring and Compliance to explain "federally-defined" settings.</p>	
<p>Collaboration with the 2005 Tennessee lottery-funded Voluntary PreK classrooms initiated Fall 05 in order to increase integration of children with disabilities with typically developing peers.</p> <p>Request regularly scheduled meetings with the TDOE Gen Ed Office of Early Learning and the Sp Ed Office of Early Childhood Preschool Department</p> <p>TDOE Gen Ed Office of Early Learning will be invited to all Sp Ed early childhood initiatives and meetings</p> <p>TA provided by Sp Ed Preschool Consultants with Gen Ed Early Learning Consultants as needed</p> <p>Sp Ed Preschool representative will serve on the Gen Ed Voluntary Pre-K Advisory Council</p>	
<p>Collaboration between TN SIG Early Childhood grantees with TDOE preschool consultants to encourage integration of children with disabilities with typically developing peers in SIG preschools and "feeder" preschools. Face to face meeting during the TN Sp Ed Fall and Spring Staff Retreats Joint visits/trainings/TA when appropriate</p>	
<p>Collaborate with Head Start, Title I, and other 3 STAR/Nationally accredited community child care centers to increase inclusionary practices. Initiate and establish relationships with agencies; document through monthly activity logs Provide training/TA as requested and needed.</p>	
<p>Data verification to include:</p> <ul style="list-style-type: none"> • Training on data collection and data entry • Regular report tracking • Formal verification of data • Ongoing communication between state and locate LEAs • LEA training on TEIDS data system • Site visits as needed 	

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Proposed Targets	Improvement Activities	Timelines	Resources
None			

Part B State Annual Performance Report (APR) for FFY2009

Overview of Annual Performance Report development:

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Overview of Issue/Description of System or Process: Updated FFY2009

As of July 1, 2009, all LEAs were collecting entrance and exit data utilizing the Early Childhood Outcomes (ECO) Child Outcomes Summary Form (COSF) and Easy IEP. Department of Education (DOE) personnel delivered three regional ECO trainings. This included LEAs with new personnel and/ or others who benefited from refresher training. These trainings also included personnel from the three remaining TEIS Point of Entry Offices (SE, SC, and MD). As of April 1, 2010, all nine TEIS Point of Entry Offices (POEs) were collecting entrance and exit data utilizing the Early Childhood Outcomes (ECO) Child Outcomes Summary Form. DOE Workforce/Development Coordinator, OEC Data Manager, and DOE Special Education Preschool Consultant provided significant technical assistance to LEAs and TEIS POEs regarding ECO data collection and process.

Measurement:

- A. Positive social-emotional skills (including social relationships)
 - B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):
 - C. Use of appropriate behaviors to meet their needs:
- Progress categories for A., B., and C.
- a. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by the (# of preschool children with IEPs assessed)] times 100.
 - b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.
 - c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of preschool children with IEPs assessed)] times 100.
 - d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level

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comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by the (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1:

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2: The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2: **Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.**

Measurable and Rigorous Targets

The following table includes baseline data for FFY 2009 instead of Targets for FFY 2009. The state set targets for each reporting category a, b, c, d, and e under each outcome for FFY 2008-09 and did not set targets for the six summary statements. The state revised the measurable and rigorous targets to include targets for the six summary statements to align with the Early Childhood Outcome’s suggested format and APR requirements for FFY 2009-10. These revisions are reflected in the Measurable and Rigorous Target Table below.

During the period of clarification in April 2011, OSEP requested the Lead Agency to revise its FFY 2012 target to reflect improvement over baseline data. Upon thorough review of all information, the following revisions have been made to both the baseline and state targets. The state reviewed baseline data from FFY 2008-09 and FFY 2009-10 and revised the baseline according to FFY 2009-10 actual data. In FFY 2008-09, entrance and exit data were collected for 254 children. All LEAs were not collecting data during this fiscal year. In FFY 2009-10 entrance and exit data were collected for 1128 children from all LEAs. The state determined that FFY 2009-10 data represented a complete and accurate baseline. Based on the revised baseline, the state reviewed and revised targets for FFY 2010 through FFY 2012 to reflect improvement over the revised baseline.

Summary Statements	Revised Baseline Data FFY 2009 (% of children)	Revised Targets FFY 2010 (% of children)	Revised Targets FFY 2011 (% of children)	Revised Targets FFY 2012 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)				
1. Of those children who entered or exited the program below age-expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program.	91.7%	92.2%	92.7%	92.7%

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2. The percent of children who were functioning within age-expectations in Outcome A by the time they exited the program.	57.4%	57.9%	58.4%	58.4%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)				
1. Of those children who entered or exited the program below age-expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program.	89.5%	90.0%	90.5%	90.5%
2. The percent of children who were functioning within age-expectations in Outcome B by the time they exited the program.	55.7%	56.2%	56.7%	56.7%
Outcome C: Use of appropriate behaviors to meet their needs				
1. Of those children who entered or exited the program below age-expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program.	92.6%	93.1%	93.6%	93.6%
2. The percent of children who were functioning within age-expectations in Outcome C by the time they exited the program.	68.0%	68.5%	69.0%	69.0%

Target Data and Actual Target Data for FFY 2009:

Target and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

The following table reports revised baseline data for FFY 2009 and the Actual Data for FFY 2009. The state set targets for each reporting category a, b, c, d, and e under each outcome for FFY 2008-09 and did not set target for the six summary statements. Therefore, TNDOE staff used the data from the Summary Statements for FFY 2008 as baseline data for FFY 2009. The baseline data for FFY 2009 and the actual data for FFY 2009 were compared and analyzed.

Per OSEP's request, the table below reports revised baseline data for FFY 2009 along with the actual FFY 2009 data collected. Refer to the section above, "Measurable and Rigorous Targets," for information regarding the Lead Agency's revision to both its baseline and targets.

Summary Statements	Revised Baseline Data FFY 2009 (% of children)	Actual FFY 2009 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)		
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	91.7%	91.7%
2. The percent of children who were functioning within age		

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expectations in Outcome A by the time they exited the program	57.4%	57.4%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1 Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	89.5%	89.5%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	55.7%	55.7%
Outcome C: Use of appropriate behaviors to meet their needs		
1 Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	92.6%	92.6%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	68.0%	68.0%

As the state revised its baseline data for the January 2011 APR, a comparison for the reporting of progress and/or slippage from FFY 2008 baseline data can't be made for FFY 2009. The comparison of FFY 2010 actual data to the FFY 2010 revised target will be reported in the January 2012 APR for FFY 2010.

TNDOE will continue to track data to determine if additional training, technical assistance, resources, or individual site visits of local programs are necessary. In addition, TNDOE will continue to provide technical assistance, training, resources, and individual site visits to LEAs as requested.

Progress Data for Preschool Children FFY 2009:

There have been a total of 1128 students for whom entrance and exit data now have been collected from LEAs. The tables below report progress data for those students.

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	10	1%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	69	6%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	402	36%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	475	42%

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e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	172	15%
Total	1128	100%

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	8	1%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	90	8%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	402	36%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	437	39%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	191	17%
Total	1128	100%

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children who did not improve functioning	9	1%

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b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	53	5%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach	299	27%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	482	43%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	285	25%
Total	1128	100%

Discussion of Progress Data:

Progress: Trainings and reports are available on the state level, LEA level, child level, and teacher level. By the end of FFY 2008-2009 all districts were trained by the deadline. The OEC office has the ability to review ECO data in Easy IEP, send utilization report on ECO data, and drill down data to compare systems.

During FFY 2010-2011, TNDOE staff will continue to track data for outcome C, specifically focusing on children in category (e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers). This analysis will be done to determine if additional training of local programs is necessary. The percentage of category e. children for this outcome is somewhat higher than Outcome A. and Outcome B.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Improvement Activities	Discussion of Improvement Activities completed and progress or slippage that occurred for FFY2009
To improve the quality of the data, all LEAs are required to enter ECO Entrance and Exit data in Easy IEP.	As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.
Training provided during Annual Special Education Conference to improve the quality of data.	Continue training activities as needed or requested. Progress made
Periodic review of ECO Report is conducted and feedback provided to LEAs to improve the quality of data.	As this activity is now standard operating procedure, it will be discontinued as an improvement activity.

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	Progress made.
To improve the quality of data, the three remaining TEIS POE staffs were trained and LEAs were included in the three regional trainings.	Continue training activities as needed or requested. Progress made.
To improve the quality of data, all TEIS offices are required to gather ECO Entrance and Exit data.	As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY 2010

Activities	Timeline	Resources
To improve the quality of data and the quality of programs and services in order to improve children's outcomes, ECO forms and training materials provided to LEAs electronically that attend training or request materials to train staff.	Spring 2010 and continuing through 2013	TDOE Staff
LEAs have the ability to run ECO Report and verify data to improve the quality of data and the programs and services in order to improve children's outcomes.	Spring 2010 and continuing through 2013	LEA Staff
Technical assistance on ECO processes will be provided as needed based on review of data to improve data quality.	Begin July 1, 2010 and continuing through 2013	TDOE Staff
LEAs required to verify ECO Report by August 1, 2010 to improve the quality of data and the programs and services in order to improve children's outcomes.	Beginning August 1, 2010 and continuing annually through 2013	LEA staff, TDOE Staff
Data sharing from Part C database (TEIDS) to Part B database (Easy IEP) to include TEIS ECO exit data to improve data quality. This activity is also designed to improve the quality of programs and services in order to enhance children's outcomes. TNDOE anticipates improved data sharing will better facilitate quality transition steps and services.	Beginning Fall 2010 and continuing through 2013	TDOE Staff

NOTES:

TNDOE will work with Public Consulting Group (PGC) relative to ECO regarding Special Education database improvements. Improvements include the posting of the following resources for users: ECO forms and materials along with TNDOE Frequently asked Questions.

Additional improvements include:

Visual enhancements to the data entry screen and ECO report.

Data sharing from Part C to Part B database will include TEIS ECO exit data.

These efforts significantly increased the number of children in which entrance and exit data were reported from 254 in FFY 2008-09 to 1128 in FFY 2009-10.

All Indicator 7 data, targets, and activities were reviewed with the State of Tennessee Advisory Council for the Education of Students with Disabilities, prior to final submission.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 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.

(20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
FFY2009	The percentage of parents reporting that the schools facilitated their involvement as a means of improving services and results for children with disabilities will be at least 96%

Actual Target Data for FFY2009:

During FFY09 school year, the *Parent Survey* was administered to all parents of students with disabilities ages 3 through 21 in 37 LEAs selected by sampling by the Division of Special Education. The State's three largest LEAs participate in this survey each year. In FFY09 a total of 29,653 surveys were distributed to parents. There were 5,478 survey responses with usable data for a response rate of 18.5% (5,478 / 29,653). Item one on the survey queried parents regarding schools facilitation of parent involvement. Of the 5,363 parents responding to item one, 4896 or 91.3% (4,896 / 5,363) agreed that the schools facilitated their involvement as a means of improving services and results for children with disabilities. The state target of 96% was not met.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

Based on the study conducted in FFY08, it was determined that the two most cost effective methods of survey distribution are direct email to parents and mailing survey packets to School Principals for distribution to parents. TDOE worked with a contractor, East Tennessee State University (ETSU), to administer the survey. The two different methods of soliciting parent surveys are described below:

1. Direct Email to Parents: Parents were directly emailed and provided a URL to take the survey on the Web. Information from the state, in letter form, was attached explaining the survey. Additionally, parents could choose to print, complete and return a hard copy of the survey by US mail.

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2. Mailing of Survey Packets to School Principals: School principals were mailed quantities of paper surveys, postage paid envelopes and letters to parents explaining the survey. School principals were asked to disseminate the surveys to students to be taken home to parents. (The accompanying letter provided parents a URL as an alternate means of completing the survey if the parent did not want to complete the hard copy).

The three large districts of the state, each with more than 50,000 students, complete the survey annually.

Federal Fiscal Year	Parent Response Rate
Surveys Conducted by School Districts	
2005	29%
2006	33%
2007	28.2%
Surveys Conducted by State Contractor	
2008	15.3%
2009	18.5%

In FFY05, FFY06, and FFY07, TDOE achieved higher response rates by sending the survey home to parents of “all” students.

In FFY08 three methods were utilized to distribute surveys. *Email, direct US mail*, as well as take home surveys in hopes of assuring delivery to more parents, however a sampling of students was used instead of a census method and a lower response rate was the result. In FFY09, email and take home surveys were the methods utilized and again a lower response rate was the result.

The numeric slippage from FFY07 to FFY08 in “percent of parents reporting that schools facilitated their involvement as a means of improving services and results for their children with disabilities” might be explained as follows. The survey instrument was significantly modified in FFY08. In FFY07, survey items required parents respond to each item with a simple “yes” or “no” indicating their agreement with a survey question. In FFY08 and FFY09 the response was changed to a scaled 1 to 6 response. (See attached survey.) In this way respondents distributed their level of agreement across an agreement scale instead of assigning an absolute agreement of “yes” or “no.” The agreement rate was calculated as the number of responses with a level of agreement divided by the total number of responses to an item. TDOE believes the scaled response provides a more accurate perspective of parent perceptions but also results in lower overall response rates. Note that there has been an increase from FFY08 to FFY09.

The table on the next page provides summary representativeness data on all FFY09 *Parent Survey* respondents. The calculation, borrowed from the National Post-School Outcomes Center, compares the respondent pool of parents against the targeted group of parents. Did the respondents represent the entire group of parents that could have responded to the survey? The difference row compares the two proportions (target proportion against respondent proportion) by selected attributes including: child disability, child gender, and child minority race/ethnicity status. Cells in the difference row that are > +/- 3%, indicate that the respondent group over or under represents the entire group of targeted respondents. For this *Parent Survey* parents of minority students were under represented in the respondent group (-8.67%) as were parents of children with learning disabilities (-5.75%). Parents of students from all other (non listed) disability groups were over represented in the respondents (6.16%). Note that this representation is compared to the population of parents of students with disabilities within this cycle of districts, plus parents in the very large (>50,000 students). This data is for FFY09 (09-10)



NPSO Response Calculator

Representativeness

	Overall	LD	ED	MR	AO	Female	Minority	ELL	Dropout
Target Leaver Totals	29653	11362	835	2151	15305	9738	9764	0	0
Response Totals	5478	1784	123	406	3165	1920	1329	0	0
Target Leaver Representation	38.32%	2.82%	7.25%	51.61%	32.84%	32.93%	0.00%	0.00%	0.00%
Respondent Representation	32.57%	2.25%	7.41%	57.78%	35.05%	24.26%	0.00%	0.00%	0.00%
Difference	-5.75%	0.57%	0.16%	6.16%	2.21%	-8.67%	0.00%	0.00%	0.00%

Note: positive difference indicates over-representation, negative difference indicates under-representation. A difference of greater than +/-3% is highlighted in red. We encourage users to also read the Westat/NPSO paper Post-School Outcomes: Response Rates and Non-response Bias, found on the NPSO website at <http://www.psocenter.org/collecting.html>.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY2009
<p>Require LEAs to develop an improvement plan as needed based on survey results. This plan should facilitate increased parent involvement in educational programs for children and could include training, general information, home learning activities, etc. using a tool such as a newsletter.</p>	<p>The survey was completed in the spring of 2009. Improvement plans were based on survey results. In the Fall of 2009 LEAs were required to develop and submit improvement plans to address the three survey items with the least favorable responses by parents. Plans submitted were reviewed by TDOE staff for adherence to survey deficit areas and found to be acceptable. Through these plans, LEAs provided written assurance that survey results were used to address documented parental concerns.</p> <p>Progress made. Continue activity.</p>
<p>Provide criteria for LEA use in interpretation of survey results for generating local improvement plans</p>	<p>The survey results were provided to the LEAs and criteria provided as well as criteria on which to base improvement plans.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p> <p>Discontinue activity.</p>
<p>LEA's required to complete improvement activities will submit documentation of completion of those activities to TDOE.</p>	<p>This is a duplication of the first listed activity.</p> <p>Discontinue activity.</p>
<p>In order to improve the return rate on the survey, contact families to be surveyed prior to initiation and notify that survey will be conducted.</p>	<p>The response rate improved as indicated in the indicator discussion.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p> <p>Discontinue activity.</p>
<p>TDOE will work with the contractor to improve dissemination methodologies. To improve overall response rate future surveys will primarily focus on methodologies with the highest return rates. (Direct email and surveys sent to schools for distribution directly to students.)</p>	<p>The dissemination methodologies utilized resulted in overall improvement in response rates.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p>

	<p>Progress made. Discontinue activity.</p>
<p>Train LEAs to gather and include accurate parent email addresses and home addresses in the state data system. This includes checking to update these fields periodically to maintain up to date parent contact information.</p>	<p>LEAs were provided technical assistance regarding accurate data entry for the collection of parents' email and home addresses. As this activity is now standard operating procedure, it will be discontinued as an improvement activity</p> <p>Progress made. Discontinue activity.</p>

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Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY2010:

Activities	Timeline	Resources
Partner with TN Parent Information and Resource Center, STEP, Inc., which is the TN PTI, in the development of improved statewide parental involvement activities/trainings, etc. This partnership to include customization of technical assistance and trainings for parents in selected LEAs based on actual survey results and the needs areas identified by those results.	2010-2011 school year and ongoing	TDOE Staff, TN STEP, Inc. Staff

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality
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Indicator 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.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divide by the (# of districts in the State)] times 100

Definition of “Disproportionate Representation”

Tennessee utilized the Westat spreadsheet for calculating both Relative Risk Ratio and Weighted Risk Ratio on district race and ethnicity data. With FFY09 data the following methodology was used to calculate and examine data for disproportionate over- and/or underrepresentation if a district had disproportionate representation in special education and related services that were the result of inappropriate identification.

Overrepresentation in Special Education and Related Services

1. The October 1 Enrollment and December 1 IDEA Child Count data were used in the disproportionate representation calculations for each of Tennessee’s 136 school districts.
2. Both Relative Risk Ratios and Weighted Risk Ratios were generated for districts based on the numbers of students receiving special education and related services in each school district for the five federal reporting race/ethnicity categories of: American Indian/Native Alaskan, Asian/Pacific Islander, Black-not Hispanic, Hispanic, and White-not Hispanic.
3. Each school district was examined for the five race/ethnicity student sub-groups to determine if the district’s identification of students receiving special education and related services met each of the following three criteria:
 - a. Both a relative risk ratio (RRR) and a weighted risk ratio (WRR) of 3.00 or higher;
 - b. Student sub-group enrollments by race/ethnicity that are at least 5% of the district’s total enrollment and a count equal to or greater than 50; and
 - c. A minimum Child Count of 45 students in the district receiving special education and related services. The *n* of 45 is the *n* used for adequate yearly progress (AYP) for student subgroups. It is found in Tennessee’s NCLB Accountability Workbook (<http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>) on page 28 which states: “In calculating AYP for student subgroups, 45 or more students must be included to assure high levels of reliability”.

Districts that were found to have met the above criteria were considered to have statistical disproportionate overrepresentation of students receiving special education and related services in the race/ethnicity sub-group examined.

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Underrepresentation in Special Education and Related Services

1. The October 1 Enrollment and December 1 IDEA Child Count data were used in the disproportionate representation calculations for each of Tennessee's 136 school districts.
2. Both Relative Risk Ratios and Weighted Risk Ratios were generated for districts based on the numbers of students receiving special education and related services in each school district for the five federal reporting race/ethnicity categories of: American Indian/Native Alaskan, Asian/Pacific Islander, Black-not Hispanic, Hispanic, and White-not Hispanic.
3. Each school district was examined for the five race/ethnicity student sub-groups to determine if the district's identification of students receiving special education and related services meets the following three criteria:
 - a. Both a relative risk ratio (RRR) and a weighted risk ratio (WRR) of .30 or lower;
 - b. Student sub-group enrollments by race/ethnicity that are at least 5% of the district's total enrollment and a count equal to or greater than 50; and
 - c. A minimum Child Count of 45 students in the district receiving special education and related services. The *n* of 45 is the *n* used for adequate yearly progress (AYP) for student subgroups. It is found in Tennessee's NCLB Accountability Workbook (<http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>) on page 28 which states: "In calculating AYP for student subgroups, 45 or more students must be included to assure high levels of reliability".

Districts found to have met the above criteria were considered to have disproportionate underrepresentation of students receiving special education and related services in the race/ethnicity examined.

Districts that met the RRR and WRR criteria for **overrepresentation** (≥ 3.00) where the total N Count for the Target Disability was ≥ 45 and the student racial/ethnic sub-group enrollment was $\leq 5\%$ with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if warranted, received a focused monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Districts that met the RRR and WRR criteria for **underrepresentation** (≤ 0.30) where the total N Count for the Target Disability was ≥ 45 and the student racial/ethnic sub-group enrollment was $\leq 5\%$ with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if indicated, received a focused monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Actual Target Data for FFY 2009:

FFY	Measurable and Rigorous Target
<i>FFY 2009</i>	The percent of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification in FFY 2009 will be 0%.

One district was found to have disproportionate representation of students receiving special education and related services based on the application of criteria defined in this indicator. This district was determined, however, not to be disproportionate as the result of inappropriate identification. Therefore, in FFY 2009 through the examination of disproportionate representation data, 0 of Tennessee's 136 districts were found to have disproportionate representation of racial and ethnic groups in special education and related services *that is the result of inappropriate identification*.

Districts with Disproportionate Representation of Racial and Ethnic Groups receiving Special Education and Related Services that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2009 (2009-2010)	136	1	0	0.00%

The one district identified with statistical Disproportionate Overrepresentation and/or Underrepresentation for FFY 2009, was required to conduct and submit to the SDE a self-assessment of the district’s policies, procedures, and practices for the identification of children with disabilities as described in the *Tennessee Rubric for the Examination of Practices, Policies and Procedures Self-Assessment (TnREpppSA)*. This submission was used to determine if the district’s disproportionate over- or underrepresentation was the result of inappropriate identification of children in special education and related services.

If a district is determined to have disproportionate over- or underrepresentation as the result of inappropriate identification, it would be required to correct the noncompliance, including revisions of deficient policies, procedures and practices and to report on these revisions publicly by including the requisite *Disproportionality Plan of Improvement (DispPI)* in the school district’s *Tennessee Comprehensive School Performance Plan (TCSP)*. All data examined in this determination, the *Process Description*, the *TnREpppSA* and *TnREpppSA Reviewer Scoring Guidelines* and other documents developed for disproportionality are found at http://state.tn.us/education/speced/monitor_compl.shtml.

In FFY 2009 one (1) district was identified with disproportionate over- and/or underrepresentation. **Six (6) school districts were excluded from the calculation for the percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. These districts did not meet the minimum “n” size requirement of at least forty-five (45) for the number of students receiving special education and related services. For both underrepresentation and overrepresentation, there were zero (0) districts that met the RRR and WRR criteria where the student racial/ethnic sub-group enrollment was less than five percent ($\leq 5\%$) and the “n” size for that sub-group was equal to or over fifty (50).**

All data reviewed and analyzed for the identification of disproportionate representation is posted on the special education assessment web page (http://state.tn.us/education/speced/monitor_compl.shtml) in the following documents:

- *Summary Data FFY 2009 – Disproportionate Overrepresentation Summary Data*
- *Summary Data FFY 2009 – Disproportionate Underrepresentation Summary Data*

Indicator 9: FFY 2009 District Count of Disproportionate Representation of Students Receiving Special Education and Related Services by Racial/Ethnic Group from data review and desk audit		
Race/Ethnicity	Over	Under
American Indian	0	0
Asian/Pacific Islander	0	0
Black (not Hispanic)	0	0
Hispanic	0	1
White (not Hispanic)	0	0

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Self-Assessment Process Description: Determination of Disproportionate Representation as the Result of Inappropriate Identification

Based on the criteria for disproportionate over- and underrepresentation, this district was required to conduct a self-assessment of policies, practices, and procedures and submit to the State. A team of five Tennessee DOE Special Education Staff reviewed this district's self-assessment for compliance with appropriate identification policies, procedures and practices. Ratings were made independently and resulted in >90% reliability among reviewer ratings for the six focus areas required for this self-assessment. The content of the *TnREpppSA* includes self-assessment reviews relevant to both disproportionate overrepresentation and underrepresentation. All review ratings were based on the *TnREpppSA Reviewer Guidelines*. The *TnREpppSA Reviewer Guidelines* provide ratings of 4.00 (Exemplary), 3.00 (Adequate), 2.00 (Partially Adequate) and 1.00 (Inadequate). Additionally, these guidelines provide guidance for each response item which documents the basis of the item as legal, regulatory and compliance or as "best practices". Any districts with a rating of less than 3.00 (Adequate) are determined to have *disproportionate representation as the result of inappropriate identification*. The overall self-assessment rating for the district identified with disproportionate representation in special education and related services was a 3.33.

As a technical assistance tool for Tennessee districts, the State has posted all of the Exemplary Self-Assessments (3.75 to 4.00) on the web at http://state.tn.us/education/speced/monitor_compl.shtml.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY 2009
Develop and disseminate best practice guidelines and tools to school districts to include specific strategies, policies and practices that have resulted in the successful decrease of disproportionate representation of racial/ethnic groups of students who have been inappropriately disproportionately identified with disabilities.	<p>Exemplary practices, policies and procedures were collected from LEAs' self-assessments for FFY 2009 and posted on the Special Education website at http://state.tn.us/education/speced/monitor_compl.shtml for use by districts when conducting self-assessments in FFY 2009. These documents can be found under the heading of Disproportionate Representation: 2009 – 2010 Exemplary Self-Assessments (TnREpppSA) Districts with Ratings of 3.75 to 4.0.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
Complete revisions to the definition and methodology used in the collection of districts' annual enrollment and census data to include multiple data sources and analysis of racial/ethnic student groups identified in specific disability categories that is the result of inappropriate identification and the determination of districts with over- and underrepresentation as the result of inappropriate identification.	<p>Revisions were completed for the definition and methodology used in the collection of districts' annual enrollment and census data that includes multiple data sources and analysis of racial/ethnic student groups identified in the high-incidence disability categories and the determination of districts with over- and underrepresentation as the result of inappropriate identification. Revised processes for the examination of this data are located under the heading of "Disproportionality" on the web at http://state.tn.us/education/speced/monitor_compl.shtml. There are two documents with details of this process:</p> <ul style="list-style-type: none"> • FFY 2009 Chart for Disproportionate Over and Under Representation • 2009 Process Description - Disproportionate Representation <p>Progress made. Discontinue activity.</p>

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Correction of FFY 2008 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: **100%**

7. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	0
8. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
9. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

10. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
11. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
12. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

NOT APPLICABLE

Verification of Correction (either timely or subsequent):

For States that Reported Less than 100% Compliance for FFY 2008 for Indicator 10:

As specified in OSEP's June 1, 2010 FFY 2008 SPP/APR Response Table, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR that the districts identified in FFY 2008 or, if applicable districts identified in FFY 2008 based on FFY 2007 data, with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02.

NOT APPLICABLE

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

NOT APPLICABLE

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

For FFY 2007 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

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Tennessee
State

1. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	0
1. Number of remaining FFY 2007 findings the State has verified as corrected	0
2. Number of remaining FFY 2007 findings the State has not verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2007 findings:

For States with Findings of Noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 AR, as specified in OSEP’s June 1, 2010 FFY 2008 SPP/APR Response Table, the State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2007 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with remaining noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02.

NOT APPLICABLE

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

NOT APPLICABLE

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):

Provide information regarding correction using the same Table format provided above.

NOT APPLICABLE

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
OSEP will be carefully reviewing each State’s efforts regarding this indicator. OSEP will be carefully reviewing each State’s definition of disproportionate representation and will contact the State if there are concerns.	Definitions have been provided. No further response deemed necessary at this time.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

Activities	Timeline	Resources
Conduct an internal review of the statistical process and data analysis incorporating trend analysis of statistical disproportionate representation over the last five years in order to adjust, if needed, the efficacy of the criteria for disproportionate representation (e.g., Weighted Risk Ratio and Relative Risk Ratio values).	Annually and ongoing.	Data from current disproportionate representation analysis and disproportionate representation data from previous years for comparisons.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality
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Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Definition of “Disproportionate Representation”

Tennessee utilized the Westat spreadsheet for calculating both Relative Risk Ratio and Weighted Risk Ratio of district racial/ethnic representation data on students in special education. With FFY09 data the following methodology was used to calculate and examine data for disproportionate over- and/or underrepresentation if a district had disproportionate representation within the six identified high incidence disabilities of mental retardation, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments and autism.

Overrepresentation in a Disability Category

1. The October 1 Enrollment and December 1 IDEA Child Count data were used in the disproportionate representation calculations for each of Tennessee’s 136 school districts.
2. Both Relative Risk Ratios and Weighted Risk Ratios were generated for districts based on each of the six disability categories and for the five federal reporting race/ethnicity categories of: American Indian/Native Alaskan, Asian/Pacific Islander, Black-not Hispanic, Hispanic, and White-not Hispanic.
3. Each school district was examined for the five student sub-groups to determine if the district’s identification of students in the six high incidence disability categories met each of the following criteria:
 - a. Both a relative risk ratio (RRR) and a weighted risk ratio (WRR) of 3.00 or higher;
 - b. Student sub-group enrollments by race/ethnicity that are at least 5% of the district’s total enrollment and a count equal to or greater than 50; and
 - c. A minimum Child Count of 45 in the examined disability category. The n of 45 is the n used for adequate yearly progress (AYP) for student subgroups. It is found in Tennessee’s NCLB Accountability Workbook (<http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>) on page 28 which states: “In calculating AYP for student subgroups, 45 or more students must be included to assure high levels of reliability”.

Districts that were found to have met the above criteria were considered to have statistical disproportionate overrepresentation in the disability category for the race/ethnicity sub-group examined.

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Underrepresentation in a Disability Category

1. The October 1 Enrollment and December 1 IDEA Child Count data were used in the disproportionate representation calculations for each of Tennessee's 136 school districts.
2. Both Relative Risk Ratios and Weighted Risk Ratios were generated for districts based on each of the six disability categories and for the five federal reporting race/ethnicity categories of: American Indian/Native Alaskan, Asian/Pacific Islander, Black-not Hispanic, Hispanic, and White-not Hispanic.
3. Each school district was examined for the five race/ethnicity student sub-groups to determine if the district's identification of students in the six high incidence disability categories meets the following criteria:
 - a. Both a relative risk ratio (RRR) and a weighted risk ratio (WRR) of 0.30 or lower;
 - b. Student sub-group enrollments by race/ethnicity that are at least 5% of the district's total enrollment and a count equal to or greater than 50; and
 - c. A minimum Child Count of 45 in the examined disability category. The n of 45 is the n used for adequate yearly progress (AYP) for student subgroups. It is found in Tennessee's NCLB Accountability Workbook (<http://www.ed.gov/admins/lead/account/stateplans03/tncsa.pdf>) on page 28 which states: "In calculating AYP for student subgroups, 45 or more students must be included to assure high levels of reliability".

Districts found to have met the above criteria were considered to have disproportionate underrepresentation in the disability category examined.

Districts that met the RRR and WRR criteria for **overrepresentation** (≥ 3.00) where the total N Count for the Target Disability was ≥ 45 and the student racial/ethnic sub-group enrollment was $\leq 5\%$ with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if warranted, received a focused monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Districts that met the RRR and WRR criteria for **underrepresentation** (≤ 0.30) where the total N Count for the Target Disability was ≥ 45 and the student racial/ethnic sub-group enrollment was $\leq 5\%$ with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if indicated, received a focused monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Actual Target Data for FFY 2009:

FFY	Measurable and Rigorous Target
FFY 2009	<i>The percent of school districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification of students with Autism, Emotional Disturbance, Intellectual Disabilities, Other Health Impairment, Specific Learning Disabilities, and Speech/Language Impairments in FFY 2009 will be 0%</i>

In FFY 2009, 27 districts were found to have disproportionate over- and or under-representation based on the application of criteria defined in this indicator. These districts were determined, however, not to be disproportionate as the result of inappropriate identification, as described below (see Table for details). Therefore, in FFY 2009 through the examination of disproportionate representation data, 0 of Tennessee's 136 districts were found to have disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification.

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Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2009 (2009-2010)	136	27	0	0.00%

All 27 districts identified with statistical Disproportionate Overrepresentation and/or Underrepresentation for FFY 2009, were required to conduct and submit to the SDE a self-assessment of the district's policies, procedures, and practices for identification of children with disabilities as described in the *Tennessee Rubric for the Examination of Practices, Policies and Procedures Self-Assessment (TnREpppSA)*. This self-assessment was rated by a team of Special Education professionals and the results determine if the district's disproportionate over- or underrepresentation was the result of inappropriate identification of children in special education and related services.

If a district is determined to have disproportionate over- or underrepresentation as the result of inappropriate identification, it would be required to correct the noncompliance, including revisions of deficient policies, procedures and practices and to report on these revisions publicly by including the requisite *Disproportionality Plan of Improvement (DispPI)* in the school district's *Tennessee Comprehensive School Performance Plan (TCSPP)*. All data examined in this determination, the *Process Description*, the *TnREpppSA* and *TnREpppSA Reviewer Scoring Guidelines* as well as other documents developed for disproportionality are found at http://state.tn.us/education/speced/monitor_compl.shtml.

In FFY 2009 there were thirty-seven (37) statistical findings of disproportionate over- and/or underrepresentation in twenty-seven (27) districts in the six high incidence disabilities (see Table: Indicator 10: FFY09 District Count of Disproportionate Representation For High-Incidence Disabilities by Racial/Ethnic Group from data review and desk audit.) **Actual Target Data for FFY 2009:**

All data used in the identification of disproportionate representation is posted on the special education assessment web page (http://state.tn.us/education/speced/monitor_compl.shtml) in the following documents:

- *Summary Data FFY 2009 – Disproportionate Overrepresentation Summary Data*
- *Summary Data FFY 2009 – Disproportionate Underrepresentation Summary Data*

Indicator 10: FFY 2009 District Count of Disproportionate Representation												
Race/Ethnicity	AUT		EMD		ID		OHI		SLD		SLI	
	Over	Under										
American Indian	0	0	0	0	0	0	0	0	0	0	0	0
Asian/Pacific Islander	0	0	0	0	0	0	0	1	0	0	0	0
Black (not Hispanic)	0	2	0	0	0	1	0	0	1	0	0	1
Hispanic	0	1	0	4	3	1	0	9	0	1	0	1
White (not Hispanic)	2	0	0	0	1	1	0	1	1	0	5	0

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The following table provides data by disability and race ethnicity for all school districts that were excluded from the calculation of the percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. These districts did not meet the minimum “n” size requirement of at least forty-five (≥ 45) for the number of students identified in each of the six high incidence disabilities for both overrepresentation and underrepresentation.

NOTE: Examination of the number of districts excluded from the calculation of districts with disproportionate representation resulted in the need to revise the “n” size requirement for Indicator 10. The second row in the table below represents the number of districts that would be included in calculation of disproportionate representation if the “n” size requirement had been 20. Revisions will be made for criteria used to analyze and determine the number of districts to be included in the review for the 2010-1011 school year. (See *Revisions, with Justification, to Proposed Targets/ Improvement Activities/ Timelines/ Resources for FFY 2010 table.*)

	AUT	EMD	ID	OHI	SLD	SLI
# Districts Excluded in FFY 2009 (n=45)	118	120	96	73	17	30
# Districts that would have been Excluded in FFY 2009 if Disability n=20	89	103	57	45	8	8

The table below represents the number of districts that met the RRR and WRR criteria for each of the six disabilities reviewed where the total “n” size requirement for the Target Disability was equal to or more than forty-five (≥ 45) and the student racial/ethnic sub-group enrollment was equal to or less than five percent (≤ 5%) with a “n” count for that sub-group of equal to or more than fifty (≥ 50.) Each of these districts received a Compliance Desk Audit in the disability area identified. The desk audit for each of these districts revealed there was no disproportionate representation as the result of inappropriate identification.

Race/Ethnicity	AUT	EMD	ID	OHI	SLD	SLI
American Indian	1	2	1	1	0	0
Asian/ Pacific Islander	0	0	0	0	0	0
Black (not Hispanic)	0	0	1	0	0	0
Hispanic	0	0	1	0	0	0
White (not Hispanic)	0	0	0	0	0	0

Self-Assessment Process Description: Determination of Disproportionate Representation as the Result of Inappropriate Identification

Based on the criteria for disproportionate over- and/or underrepresentation, each of these 27 districts was required to conduct a self-assessment of policies, practices, and procedures and submit the self-assessment to the State. A team of five Tennessee DOE Special Education Staff reviewed each district’s self-assessment for compliance with appropriate identification policies, procedures and practices. Ratings were made independently and resulted in >90% reliability among reviewer ratings for the six focus areas required for this self-assessment. The content of the *TnREpppSA* includes self-assessment reviews relevant to both disproportionate overrepresentation and underrepresentation. All review ratings were based on the *TnREpppSA Reviewer Guidelines*. The *TnREpppSA Reviewer Guidelines* provide

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ratings of 4.00 (Exemplary), 3.00 (Adequate), 2.00 (Partially Adequate) and 1.00 (Inadequate). Additionally, these guidelines provide guidance for each response item which documents the basis of the item as legal, regulatory and compliance or as “best practices”. Any districts with a rating of less than 3.00 (Adequate) are determined to have *disproportionate representation as the result of inappropriate identification*. The overall self-assessment ratings for the 27 districts identified with disproportionate representation in the six high incidence disabilities ranged from 3.03 to 4.00.

As a technical assistance tool for Tennessee districts, the State has posted all of the Exemplary Self-Assessments (3.75 to 4.00) on the web at http://state.tn.us/education/speced/monitor_compl.shtml.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY 2009
Develop and disseminate best practice guidelines and tools to school districts to include specific strategies, policies and practices that have resulted in the successful decrease of disproportionate representation of racial/ethnic groups of students who have been inappropriately disproportionately identified with disabilities.	Exemplary practices, policies and procedures were collected from LEAs’ self-assessments for FFY 2009 and posted on the Special Education website at http://state.tn.us/education/speced/monitor_compl.shtml for use by districts when conducting self-assessments in FFY 2009. These documents can be found under the heading of Disproportionate Representation: 2009 – 2010 Exemplary Self-Assessments (TnREppSA) Districts with Ratings of 3.75 to 4.0. This process is now a standard procedure and will be discontinued as an improvement activity.
Complete revisions to the definition and methodology used in the collection of districts’ annual enrollment and census data to include multiple data sources and analysis of racial/ethnic student groups identified in specific disability categories that is the result of inappropriate identification and the determination of districts with over- and underrepresentation as the result of inappropriate identification.	Revisions were completed for the definition and methodology used in the collection of districts’ annual enrollment and census data that includes multiple data sources and analysis of racial/ethnic student groups identified in the high-incidence disability categories and the determination of districts with over- and underrepresentation as the result of inappropriate identification. Revised processes for the examination of this data are located under the heading of “Disproportionality” on the web at http://state.tn.us/education/speced/monitor_compl.shtml . There are two documents with details of this process: <ul style="list-style-type: none"> • FFY 2009 Chart for Disproportionate Over and Under Representation • 2009 Process Description - Disproportionate Representation Progress made. Discontinue activity.

Correction of FFY 2008 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 100%

13. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	0
14. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
15. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

16. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
17. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
18. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

NOT APPLICABLE

Verification of Correction (either timely or subsequent):

For States that Reported Less than 100% Compliance for FFY 2008 for Indicator 10:

As specified in OSEP's June 1, 2010 FFY 2008 SPP/APR Response Table, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2009 APR that the districts identified in FFY 2008 or, if applicable districts identified in FFY 2008 based on FFY 2007 data, with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02.

NOT APPLICABLE

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

NOT APPLICABLE

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

For FFY 2007 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.

3. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	0
4. Number of remaining FFY 2007 findings the State has verified as corrected	0
5. Number of remaining FFY 2007 findings the State has not verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2007 findings:

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For States with Findings of Noncompliance identified in FFY 2007 that were not reported as corrected in the FFY 2008 AR, as specified in OSEP's June 1, 2010 FFY 2008 SPP/APR Response Table, the State must demonstrate, in the FFY 2009 APR, that the districts identified in FFY 2007 with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification are in compliance with the requirements in 34 CFR §§300.111, 300.201, and 300.301 through 300.311, including that the State verified that each district with remaining noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP Memo 09-02.

NOT APPLICABLE

Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

NOT APPLICABLE

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable): Provide information regarding correction using the same Table format provided above.

NOT APPLICABLE

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
OSEP will be carefully reviewing each State's efforts regarding this indicator. OSEP will be carefully reviewing each State's definition of disproportionate representation and will contact the State if there are concerns.	Definitions have been provided. No further response deemed necessary at this time.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

Activities	Timeline	Resources
Conduct an internal review of the statistical process and data analysis incorporating trend analysis of statistical disproportionate representation over the last five years in order to adjust, if needed, the efficacy of the criteria for disproportionate representation (e.g., Weighted Risk Ratio and Relative Risk Ratio values).	Annually and ongoing.	Data from current disproportionate representation analysis and disproportionate representation data from previous years for comparisons.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a. but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
FFY 2009	100%

Actual Target Data for FFY 2009:

96.25%
<u>15,530 / (16,667 - 433-99) = 96.25%</u>

Method Used to Collect Data - TDOE provided all LEAs with a means of collecting timeline data and reasons for delay by modifying the State Level Data Collection System (EasyIEP). The following student level information was obtained through the data collection system:

- Student Name ,
- District
- Date of Written Parental Consent Received,
- Date of Eligibility Determination
- Eligibility Determination (eligible /ineligible),
- Days from date of parent consent to date of eligibility determination,
- Where applicable
 - Number of Days Over the 40 School Day Timeline, and
 - Reasons for the Delay

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FFY09 was the first year these B11 student level data were collected through the State Level Data System. Upon review of the data, individual districts were contacted to confirm and in some cases provide what appeared to be missing data. All 136 districts reported data. Data collected were for the entire period of July 1, 2009 – June 30, 2010.

The following data includes any student who had a written parental permission for evaluation signed during FFY2009 (July 1, 2009 – June 30, 2010).

Children Evaluated Within 60 Days (or State-established timeline):

Account for children included in (a) but not included in (b): The table below provides details on the 1137 students (a-b) that had delays outside of 60 days or State-established timeline.

a. Number of children for whom parental consent to evaluate was received	16,667
b. Number of children whose evaluations were completed within 60 days (or State-established timeline) <i>(This includes 5 students who were issued TDE approved timeline extensions based on written requests to TDOE for Evaluation, Eligibility, Placement).</i>	15,530
<i>Total number of children included in (a) but not included in (b) (See table below).</i>	1,137

<i>Delays attributable where Parent Repeatedly Failed or Refused to Produce the Child for Evaluation. (Acceptable delays)</i>	433
<i>Delays due to students a) transferring to another district prior to completion of initial eligibility determination, and b) Parent and LEA agreeing to a new date for completion and district made/ making sufficient progress toward completion of evaluation (Acceptable delays)</i>	99
<i>“Other” reasons for delay. (Unacceptable delays)</i>	605
<i>Total number initial eligibility with acceptable and unacceptable delays</i>	1,137

The 532 (433+99) acceptable delays shown in the table above are excluded from b (15,530) when calculating the percentage of students provided an eligibility determination within the 60 day or State established timeline.

The reasons listed above are acceptable or approvable based on IDEA and/or the Tennessee Rules and Regulations shown below.

IDEA statute §300.301:

- Exception.** The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if--(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
- (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under §300.8.
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the

evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. (Authority: 20 U.S.C. 1414(a))

Tennessee Rules and Regulations 0520-01-09-.10: Initial Evaluations.

A reasonable extension may be approved by the state department of education if, based on the unique needs of the child being evaluated, extra time is required. The granting of any extension will be based on the documented individual needs of the child.

Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline) (Percent = [(15,530) divided by (16,667-433-99)] times 100	96.25%
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Indicate the range of days beyond the timeline and provide reasons for the delays:

The range of days beyond the timeline was between 1 and 116 days. Of the 136 districts reporting data:

- 43 districts reported no delays
- 21 districts reported delays of up to 9 days
- 18 districts reported delays of up to 19 days
- 15 districts reported delays of up to 29 days
- 20 districts reported delays of up to 59 days
- 12 districts reported delays of up to 89 days
- 7 districts reported delays of up to 116 days

In FFY09 TDOE moved the collection of student level eligibility determination data entirely into the TDOE student level special education data system. The reasons for delay were built into the data system with validations required whenever the 40 school day timeline was not met. These reasons are shown below. Reasons 3, 7, 8, 9, and 10 have an asterisk which indicates they are acceptable exceptions for delay.

- 1) Limited access to professional staff (e.g., staff shortages, staff illness, in-service trainings, vacancies, holiday schedules, etc.)
- 2) Student or family language caused delays in testing/meeting (including need for interpreter)
- 3) * Student transferred **to another** district *
- 4) Student transferred **within** district
- 5) Student turned 3 in (e.g., June), services didn't start until (e.g., August)
- 6) Waiting on specialist(s): reports, second assessment, observation data, review, medical data, etc.)
- 7) * Excessive student absences (> 8 in 40 school days) resulted in rescheduling of assessment(s)*
- 8) * Parent did not show for scheduled meeting. Or parent cancelled scheduled meeting too late—no time to reschedule within 40 school days. Or *parent requested* to schedule meeting outside of timeline.*
- 9) * Student/parent serious medical issues (e.g., hospitalization, surgery recuperation) required postponement and/or rescheduling.*
- 10) * Repeated attempts to contact parents failed (minimum 3 unsuccessful mailings **plus** repeated phone calls)*
- 11) Other (not listed above)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

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For FFY09 TN did not meet the 100% target. However 96.25% maintains the progress that was made in the FFY08. In part, this progress is attributed to the implementation of the completed improvement activity requiring a more robust data collection through the state data system. Accompanying instructions and trainings consistently communicated the importance of these data and their collection. Training to LEAs was provided at the Annual Special Education State Conference and regional orientation meetings. Additionally, ongoing state data system technical assistance is provided throughout the year for all districts in the state.

Although there was discussion of discontinuing TDOE-granted extensions, it was decided to continue accepting for consideration and granting when warranted TDOE extensions. TDOE extensions in FFY 09 were beginning to be aligned with the reasons for delay that were built into the data collection system. This alignment will continue in FFY10 to help streamline the process of approving extension requests. The number of extensions granted by the TDOE was 5 in FFY09. Only exceptional reasons for delay, beyond those outlined above, are granted extensions.

Improvement Activities Completed	Discussion of Improvement Activities and Explanation of Progress or Slippage that Occurred for FFY2009
<p>Training of LEAs on components of the evaluation/eligibility process and timelines for completion</p>	<p>Training to LEAs was provided at the Annual Special Education State Conference and regional training meetings</p> <p><i>Evidence of significance of trainings was found in the maintenance of 96.25% compliance rate. Even with the implementation of a new method for collecting these data TDOE calculated a small increase over the 96.0% reported in FFY08</i></p> <p>This activity will be revised - discontinue activity in its current form.</p>
<p>Provide LEAs with a means of collecting timeline data and reasons for delay through the State Level Data Collection System (EasyIEP)</p>	<p>TDOE was successful in updating the State Level Data Collection System (EasyIEP) to support more accurate (student level) indicator 11 data. Specifically, the reasons for delay documentation was more consistent from district to district and timeline data were more accurate. The results of that collection are reported above.</p> <p>TDOE will continue use of this data collection system and all data system supports. As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>

Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):
Level of compliance (actual target data) State reported for FFY2008 for this indicator: 96%

	Students	LEAs
1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	744	69
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	744	69
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year	0	0

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

	Students	LEAs
4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0	0
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0	0
6. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0	0

Of the 744 students found to have exceeded state required timelines in FFY08, 744 had eligibility determinations made within one year of the expected due date. The 744 students were from 69 districts. 69 districts were verified to have corrected within the next year.

Actions Taken if Noncompliance Not Corrected:

For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance. NOT APPLICABLE

Verification of Correction (either timely or subsequent):

For States that Reported Less than 100% Compliance for FFY 2008 for Indicator:

As specified in OSEP’s June 1, 2010 FFY 2008 SPP/APR Response table, the State must, when reporting the correction of noncompliance, report in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008. (see below)

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Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

Based on TDOE's increased understanding of "prong one and prong two" verification of correction of noncompliance, TDOE conducted a number of activities to verify FFY08 findings of noncompliance were corrected. These activities are described below.

Prong 1 Verification Activities

As reported in TDOE's FFY08 APR, LEAs reported FFY08 Indicator 11 data to the TDOE at the aggregate level. That is, LEAs reported the total number of students referred, total number found eligible, total that exceeded the state required timelines, reasons for those delays, etc. There was no student level data reporting system in place (though putting one in place became one of our improvement activities for FFY09.) Efforts to verify the correction of student level noncompliance were hampered by the lack of student level data. However, the following efforts were undertaken and TDOE now has the ability to correct *student level* findings of noncompliance.

For the 69+3 LEAs who demonstrated non-compliance during FFY08, TDOE generated a report from the state student level data reporting system based on the field of initial written parental permission falling between July 1, 2008 – June 30, 2009.

From this report TDOE found only 15 students, from 4 LEAs, who had Written Parental Permissions signed in FFY08 but who did not have Eligibility Determinations. All 4 LEAs were notified and required to research the individual students at the LEA level. The following reasons were given for 15 of the 15 students without eligibility determinations:

- Student withdrew from school system and whereabouts unknown, but data entry personnel neglected to close the student record from the data collection system (4 students)
- Eligibility determination was completed and the student was found not eligible but information was never completed in data collection system (7 students)
- Could not find documentation that a Written Parental Permission was signed by parents and considered data entry error (1 student)
- Underwent a screening, but permission for screening was entered in data collection system as a Written Parental Permission (2 students)
- Eligibility was determined but after repeated failed attempts to contact parent for an IEP meeting services could not be provided to the student (1 student)

Prong 2 Verification Activities

For the 69+3 LEAs who demonstrated non-compliance during FFY08, TDOE staff conducted monthly data pulls of Written Parental Permissions signed in FFY09 to determine 100% compliance. TDOE looked at additional data from each of the LEAs that had less than 500 initial referrals for eligibility in FFY09 and required that they demonstrate 100% compliance for new eligibility determinations for a 30 day period of time in FFY09. For districts with more than 500 initial referrals for eligibility during FFY09 TDOE looked at additional data from each of those districts and required they demonstrate 100% compliance for a 10 day period of time in FFY09.

As TDOE verified that all LEAs were 100% compliant for either the 10-day or 30-day time period, and that all student level noncompliance from FFY08 had been corrected, LEAs were notified that they were correctly implementing regulatory requirements.

There are no findings of noncompliance from FFY2006 or FFY 2007 remaining to be corrected.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
Not applicable	None required

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

Activities	Timeline	Resources
Online training of LEAs on components of the evaluation/eligibility process and timelines for completion	2010-2011 through 2012-13	TDOE Staff
Ongoing verification activities to look at trends and identify districts with chronic non-compliance	2010-2011 through 2012-13	TDOE Staff
Further investigate data by drilling down to the LEA level and finding LEAs that are incorrectly inputting data into data collection system. LEAs will be contacted and the TDOE will work with the LEA to identify problems. LEA will be required to address their solution in a Corrective Action Plan.	2010-2011 through 2012-13	TDOE Staff
Modify EasyIEP field: Written Parental Permission to Initial Consent Received. This will help LEAs better understand the specific data to be entered into this field.	2010-2011 through 2012-13	TDOE Staff

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B – Effective Transition

Indicator 12 – PART C TO B TRANSITION: 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.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. # of children who were referred to Part C less than 90 days before their third birthdays

Account for children included in a. but not included in b., c. or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a – b – d - e)] times 100.

99% = [(1183) divided by (1756 – 432 – 60 -- 67)] times 100.

Range of days late:

- A. 1 - 30 days late = 8
- B. 31 - 60 days late = 3
- C. 61-90 days late = 3
- D. Over 90 days late = 0

FFY	Measurable and Rigorous Target
FFY2009	<p>100% of children referred by Part C prior to age three, who are found eligible for Part B, have an IEP developed and implemented by their third birthdays. Measurement = C (Eligibles) DIVIDED BY [A (Total) MINUS B (Not Eligible) MINUS D (Parent Refusal)] TIMES 100.</p> <ul style="list-style-type: none"> a. All children who have been served in Part C will be referred to Part B for eligibility determination. b. All referrals determined to be NOT eligible for Part B will have eligibilities determined prior to their third birthdays. Children from A not included here will be

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	<p>explained. Reasons for delay of eligibility for Part B will be explained.</p> <p>c. All referrals determined to be eligible for Part B will have an IEP developed and implemented by their third birthdays. Children from A not included here will be explained. Reasons for delay of eligibility for Part B will be explained.</p> <p>d. All referrals for whom parent refusal to provide consent caused delays in evaluation or initial services will have eligibility determined. Children from A not included here will be explained.</p> <p>e. All children who were referred to Part C less than 90 days before their third birthdays.</p>
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Actual Target Data for FFY 2009

- a. 1756 # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. 432 # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. 1183 # of those found eligible who have an IEP developed and implemented by their third birthdays
- d. 60 # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. Though the Part B data system does not capture this information, detailed information was collected from LEAs regarding all children who had transition meetings but did not have an IEP in place by age three. That information was combined from the information gathered in the early intervention data base to provide this measure.
- e. 67 # of children who were referred to Part C less than 90 days before their third birthdays.

Account for children included in a, but not included in b, c or d. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays. Refer to measurement table above.

Percent = [(c) divided by (a – b – d - e)] times 100.

98.83% (99%) = [(1183) divided by (1756 – 432 – 60 -- 67)] times 100.

Range of days late:

- A. 1 - 30 days late = 8
- B. 31 - 60 days late = 3
- C. 61-90 days late = 3
- D. Over 90 days late = 0

Reasons cited for untimely IEPs include: LEA staff not aware of requirements, appropriate LEA staff not available for evaluations or IEP meetings, and children turning three during the summer.

Tennessee Department of Education uses a real time database system. These data include all children who transition from Part C, holding both the state and LEAs fully accountable annually for every child. Processes for data collection, reliability, validity and verification include:

1. Training on data collection and data entry
2. Regular report tracking
3. Formal verification of data
4. Ongoing communication between state and local LEAs
5. Site visits as needed

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99% of children referred by Part C prior to age 3 and who were found eligible for Part B had an IEP developed and implemented by their third birthdays. The target of 100% was not met. However, this represents continued progress from the previous fiscal year's performance of 95%, and represents significant progress from the 2006-2007 year performance of 47.10%. In addition, this year special education preschool consulting staff followed up with LEAs that were not compliant on this indicator.

Reasons most often cited for untimely IEPs were: scheduling issues between parties, snow days, rescheduling issues when someone is sick – often the child, and families that have moved, could not be located, changed their minds regarding evaluation or services.

Data from Tennessee's Early Intervention Data System was merged into a unified data table for this report and compared to the special education data services system (Easy-IEP).

Data submitted for FFY 2009-2010 has been verified by each LEA to increase accuracy. Work continues with the existing data systems in Part B and Part C to collect all desired data elements to continue and improve this indicator data.

Discussion of Improvement Activities completed and progress or slippage that occurred.

TDOE identifies progress. For the FFY 2009-2010, school year staff of the Department of Education provided or participated in a variety of trainings that were directly or indirectly related to this indicator. These trainings do not fall into any one of the improvement activity categories mentioned below, but merit mention here. Additionally, Technical Assistance sessions were held for select LEAs in relation to "Local Letters of Determination" with LEAs whose standing was determined to be *needs assistance* or *needs intervention*.

Correction of noncompliance is verified based on a review of updated data such as data subsequently collected through onsite monitoring or a State data system and has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA. The following outlines the state's process for verifying correction of noncompliance.

Data provided through the State data system verifies that IEPs were developed and implemented for all child for whom implementation of the IEP was not timely.

LEAs with findings of noncompliance for one year are required to complete online training and respond to subsequent data collection request.

LEAs with findings of noncompliance for two consecutive years are required to complete online training and respond to quarterly data collection request.

LEAs with findings of noncompliance for three consecutive years are required to complete online training and respond to quarterly data collection request. In addition, required technical assistance will be provided.

LEAs with findings of noncompliance for four consecutive years are required to complete online training and respond to quarterly data collection request. Additionally, required technical assistance will be provided and fiscal sanctions will be imposed.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY2009
Develop an online birth to five transition training module in collaboration with North Central Regional Resource Center to train and track elements of appropriate transition. Early Intervention and LEA preschool personnel, as needed, will complete the module; data regarding	Module is designed and currently in use. As this activity is now standard operating procedure, it will be discontinued as an improvement activity. Progress made.

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<p>completion will be maintained and monitored.</p>	
<p>Required Technical Assistance, Individual Site Visits, and Training provided to LEAs with findings of continued noncompliance.</p>	<p>Transition issues have been addressed through technical assistance, site visits, and training. These issues have been tracked and discussed by TNDOE staff, LEAs and TEIS. Trends have been noted and analyzed for systematic improvement.</p> <p>Progress Made. Continue Activity.</p>
<p>Continue to update as needed and provide "Paving the Way for Successful Transitions" training modules for improved transition processes</p>	<p>Paving the Way for Successful Transitions is a transition training module presented jointly by Part C and Part B staff. This module has been required for LEAs that did not meet appropriate compliance. This training continues as needed.</p> <p>Effective February 2009, Paving the Way was replaced with Connecting the Dots, a new online birth-to-five training program developed in conjunction with the North Central Regional Resource Center.</p> <p>Progress made. Continue activity.</p>
<p>Identify and log transition issues from phone calls, parents, and compliance consultants.</p>	<p>Transition issues have been tracked and discussed by Division staff, LEAs and TEIS on an individual basis. Trends have been noted and analyzed for systematic improvement.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Work with Focus group of TDOE Sp Ed Offices of 1) Data Services, 2) Compliance and Monitoring, and 3) Early Childhood, a local TEIS provider and a LEA representative to develop a data system for tracking students with IEPs that interfaces "transition components" in Part C with Preschool (619).</p>	<p>The tracking and data sharing procedure was tested June 2009 and implemented August 2009. Data sharing of transition components occurs monthly. Only continue activity with state personnel, and consult local users as needed.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Ensure that the Tennessee EasyIEP statewide electronic data system development includes:</p> <p>Students served in Part C</p> <p>Students referred to Part B</p> <p>Students determined not eligible for Part B</p> <p>Students determined eligible with development and implementation of IEP date.</p> <p>Field indicating range of days beyond third birthday</p> <p>Field indicating reasons for delay</p>	<p>A unique identifier was fully implemented in FFY08. This allows tracking children across all department data bases. This unique identifier also allows for consistent tracking of children during the transition process.</p> <p>Database systems are being refined to electronically capture information on Part B children who were assessed and not eligible for service, children who moved and children of parents who decline Part B services.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>

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<p>As a result of LEA monitoring: Provide technical assistance to LEAs based on information identified through annual data review</p> <p>Provide training in LEAs where noncompliance issues are found; these issues and the specific training required are documented in Corrective Action Plans (CAP)</p>	<p>“Paving the Way for Successful Transitions” is a transition training module presented jointly by Part C and Part B staff. This module has been required for LEAs that did not meet appropriate compliance. Other TA is provided as needed and or requested, including supervisors meetings and the annual spring Special Education conference.</p> <p>Effective February 2009, Paving the Way was replaced with Connecting the Dots, a new online birth-to-five training program developed in conjunction with the North Central Regional Resource Center.</p> <p>Progress made. Continue activity.</p>
<p>Provide TA to individual families as needed.</p>	<p>Technical assistance has been provided on an ongoing basis throughout the reporting period.</p> <p>As this activity is now standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made</p>

Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 95%

<p>1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)</p>	<p>19</p>
<p>2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)</p>	<p>19</p>
<p>3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]</p>	<p>0</p>

Verification of Correction (either timely or subsequent):

For FFY 2008-2009, the state verified correction for all LEAs issued findings of noncompliance. LEAs verified correction for data collected through the State data system regarding untimely IEPs. LEAs verified one of the following for untimely IEPs: 1) children determined not eligible prior to their third birthday, 2) IEPs were developed and implemented for all eligible children for whom implementation of the IEP was not timely, or 3) children for whom parent refused evaluation or initial services. This information was confirmed through the State data system. Based on a review of subsequent data collected through the State data system, the Lead Agency verified that all 19 LEAs achieved 100% compliance and were correctly implementing the regulatory requirements for Indicator 12 in a timely manner. LEAs also completed corrective measures outlined in the letter of findings.

For FFY 2008-2009, the state has verified correction for all LEAs that were issued findings of noncompliance. Data also verified that IEPs were developed and implemented for all children for whom implementation of the IEP was not timely.

For FFY 2009-2010, all LEAs were monitored. There were eight LEAs with findings of noncompliance relative to Indicator 12.

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Correction of noncompliance will be verified based on a review of updated data such as data subsequently collected through onsite monitoring or a State data system and has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA. The following outlines the state's process for verifying correction of noncompliance for FFY 2009-10.

Data provided through the State data system will continue to verify that IEPs were developed and implemented for all children for whom implementation of the IEP was not timely.

LEAs with findings of noncompliance for one year are required to complete online training and respond to subsequent data collection request.

LEAs with findings of noncompliance for two consecutive years are required to complete online training and respond to quarterly data collection request

LEAs with findings of noncompliance for three consecutive years are required to complete online training and respond to quarterly data collection request. In addition, required technical assistance will be provided.

LEAs with findings of noncompliance for four consecutive years are required to complete online training, and respond to quarterly data collection request. Additionally, required technical assistance will be provided and fiscal sanctions will be imposed.

Revisions, with Justification, to Proposed Targets (See SPP) /Improvement Activities/Timelines/Resources for FFY 2010:

Improvement Activity	Timeline	Resources
New Activity: Connecting the Dots, an online birth-to-five training program developed in conjunction with the North Central Regional Resource Center, is in the process of being updated to include guidance from the Early Childhood Transition FAQs.	Updates are projected to be completed January 2010 and module will be available for LEAs in spring 2011.	TDOE Staff, LEA Staff
New Activity: Data will be pulled quarterly for two LEAs that were issued findings of noncompliance for three consecutive years to verify correction.	Projected date for first quarter data pull is December 2010 Ongoing until designated time period is complete.	TDOE Staff
New Activity: Data sharing from Part C database (TEIDS) to Part B database (Easy IEP) to include TEIS transition data to improve data quality. This activity is also designed to improve the quality of programs and services in order to enhance children's outcomes. TNDOE anticipates improved data sharing will better facilitate quality transition steps and services.	Spring 2010 and ongoing	TDOE Staff, Early Childhood Staff

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The state will continue to implement activities identified above. All Indicator 12 activities were reviewed with the State of Tennessee Advisory Council for the Education of Students with Disabilities, prior to final submission. Important to note is the Advisory Council Goal # 6 supports the further linkage of Tennessee's Early Intervention Data System to Part B Special Education Database. TNDOE staff will update Connecting the Dots, an online birth-to-five training program developed in conjunction with the North Central Regional Resource Center. This activity will be implemented and completed spring 2011. Updates include clarifications related to OSEP Early Childhood Transition FAQs. TNDOE staff will review quarterly data from two LEAs that have had findings of noncompliance for three consecutive years to verify correction. Additionally, these two school systems will complete online training modules and receive required technical assistance.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

FFY	Measurable and Rigorous Target
FFY2009	100% of youth aged 16 and above with an IEP will have coordinated, measurable annual IEP goals and transition services that will reasonable enable the student to meet post-secondary goals.

Actual Target (Baseline) Data for FFY2009:

See SPP

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

See SPP

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

A. Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

FFY	Measurable and Rigorous Target
FFY2009	See SPP for FFY2009

Actual Target (Baseline) Data for FFY2009:

See SPP

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

See SPP

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Effective General Supervision Part B / General Supervision

Indicator 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.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:
 Percent of noncompliance corrected within one year of identification:
 # of findings of noncompliance.
 # of corrections completed as soon as possible but in no case later than one year from identification.
 Percent = [(b) divided by (a)] times 100.
 States are required to use the "Indicator 15 Worksheet" to report data for this indicator (see Attachment A).

FFY	Measurable and Rigorous Target
<i>FFY2009</i>	100%

Actual Target Data for FFY2009:

Sum the numbers down Column a and Column b	a) 395	b) 388
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.	(b)388 / (a)395 X 100 = 98.23%	98.23%

In FFY08 the TDOE monitored 31 school districts and reviewed 754 student files within those districts as part of its cyclical on-site monitoring process. Using TDOE's compliance monitoring file review protocol, TDOE monitors identified 1,080 instances of noncompliance within these 754 files. However, the (paper) data collection tools employed in FFY08 did not collect all the data necessary to track the timely correction of noncompliance at the individual student level. Findings of student level noncompliance did trigger notification in writing of findings of noncompliance and were used to determine corrective district level actions. However, the ability to fully capture and verify (with dates) the correction of student level noncompliance was not in place during FFY08. TDOE provided each district with noncompliance a report where noncompliance was identified. Each district was required to address the noted areas of noncompliance through a Corrective Action Plan. Technical assistance was provided directly to districts by TDOE staff (monitors and content specialists) and through multiple training sessions at both regional and state levels. Despite the inability for the TDOE to verify all correction of noncompliance at the student level, all districts reported that all noncompliance from on-site district monitoring was corrected and corrections were made within 365 days from identification.

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In addition to on-site compliance monitoring, TDOE performs a number of additional processes to identify noncompliance at the district level. These include dispute resolutions, desk audits, data reviews and other data sources all of which can generate findings of noncompliance. Findings of noncompliance from these additional processes are included in the B-15 work sheet. All noncompliance data are reported at the district level, except for Indicators 12 and 13 where noncompliance data are reported at the individual student level.

The percent of noncompliance corrected and verified within one year was 98.23%. Tennessee did not meet the Measurable and Rigorous Target of 100% correction for noncompliance within one year for Indicator 15.

Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	395
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	388
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	7

FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	7
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	7
6. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected

Actions taken for noncompliance not corrected within one year were as follows: the LEA, with 7 noncompliant plans that were not corrected for over one year, was required to repeat a training provided by the TN Transition Outcomes Projects (TOPs). (TOPs is a TDOE sponsored technical assistance training provided for LEAs prior to the monitoring of their transition plans.) This LEA was also referred to the *TN Center for Employment and Disability* for ongoing consultation for improvement of transition planning.

Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):

During 2008-09, TDOE conducted monitoring in 28 LEAs and identified 237 transition plans of 728 reviewed as noncompliant. 230 of these plans were corrected within one year. Seven plans from one LEA remained noncompliant over 365 days. Corrections for noncompliance were resolved in the following manner: Three plans belonged to students who graduated with a regular high school diploma prior to correction verification. The other four plans were corrected and verified by TDOE staff prior to the beginning of the 2010-11 school year. B-13 noncompliance data were captured and tracked through student on-line records in the state's special education data system (Prong 2 verification) to ensure the district was 100% compliant for Indicator 13.

Revisions to TDOE Compliance Monitoring**Background**

Indicator 15 reports data from 2 years previous to the APR. Therefore, FFY08 data are reported in the Feb 2011 APR. During FFY08 and in years previous to FFY08 TDOE had a “systemic” method for reporting findings of noncompliance generated from compliance monitoring. Systemic findings of noncompliance were triggered and addressed only when onsite compliance fell below a threshold (e.g., 95%) for a given item. Beginning with FFY09 TDOE made a number of improvements to its compliance monitoring process. FFY08 was the last year of incomplete monitoring data. Data for FFY09 and FFY10 will be comprehensive and meet all OSEP and APR criteria.

As referenced in TDOE’s response to OSEP (March 16, 2009 Tennessee’s Part B Response to Verification Visit Letter), TDOE’s compliance monitoring procedures were substantially revised in spring 2009. These changes were in full effect beginning in the 2009-2010 school year (FFY09). To demonstrate the effectiveness of these revisions to the compliance monitoring data, the data collection processes, and the verification process, TDOE has provided updates in both this APR and the SPP. (See the SPP for: Revisions Made in the LEA Cyclical Monitoring Fully Implemented in the 2009-2010 School Year [FFY09].)

FFY09 Compliance Monitoring Revisions

In 2009-2010, with the technical assistance provided by Bruce Bull and Karen Martens of SPEDSIS, TDOE updated a number of compliance monitoring tools and processes. Specifically, Bruce Bull and Karen Martens of SPEDSIS developed an Excel workbook for TDOE which recorded all individual student and district level findings of noncompliance found through the cyclical onsite monitoring process. The workbook supported TDOE’s verification of districts’ corrections of student level noncompliance (prong 1). TDOE also reviewed additional files to verify correction in areas of noncompliance (prong 2). In FFY09 TDOE also updated the compliance monitoring manual which outlined the steps in the new monitoring process and provided policy, process and necessary forms. In addition, the compliance monitoring manual defined findings generated from on-site district file reviews and desk audits. TDOE’s student file review protocol was updated in FFY09 to include: new compliance review items, item level legal authority (e.g., IDEA, State regulations) and updated definitions of compliance for review items. As part of the FFY09 work with SPEDSIS, inter-rater reliability was established among all State monitors through practice on real student files based on the new compliance/noncompliance criteria. In FFY09 the new monitoring system was successfully implemented in 35 school districts.

FFY10 Compliance Monitoring Revisions

For FFY10 the State wrote an RFP for a secure web-based monitoring system to begin in the 2010-2011 school year. A contract was awarded in July 2010 to Kyran Research Associates (who also works with Massachusetts on their web-based monitoring system). Effective in October of 2010, the web-based system was in place for FFY2010 monitoring. The web-based monitoring system automates many of the activities previously completed by the districts and monitors. This includes: notifications to districts, tracking student corrections and dates of corrections by districts and managing the compliance monitor’s verification of correct implementation of regulatory requirements based on the review of additional data to meet 100% compliance at Prong 1 and 2 Levels.

FFY09 and FFY10 Verification Activities

Beginning with FFY09, as part of the cyclical onsite monitoring, TDOE conducts student file reviews, tracks individual student noncompliance, tracks the correction of student noncompliance (prong 1 verification) and fully supports verifying that additional data are correctly implementing the required regulations (prong 2 verification). Prong 1 verifications are made on-site by monitors. Monitors return to the school district and review the files of students where noncompliance was previously found. Alternatively, where possible, the state special education data system is reviewed by the monitors. All student files (or data) initially found noncompliant are reviewed to confirm that each instance of noncompliance was corrected. As part of this prong 1 verification the monitors must document the student level corrections with their signatures and track the verification dates in the data system. Additional data, student files or where possible, student level data within TDOE’s special education data

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system are reviewed by the monitors to verify that any district with previously found noncompliance is correctly implementing the specific regulatory requirements (prong 2). Prong 2 verifications are conducted by the monitors reviewing additional files—usually when monitors go back to the districts to verify Prong 1 corrections. All verification processes require 100% compliance prior to TDOE determining that a district has corrected any finding of noncompliance.

Additional Activities Based on the Extent of Noncompliance and/or Longstanding Noncompliance

Depending on the extent of noncompliance found during the initial onsite compliance monitoring and/or where longstanding noncompliance is an issue, TDOE requires districts to actively engage in TDOE-approved improvement activities associated with the correction of noncompliance. State compliance monitors and, where applicable, other TDOE staff, review these district activities. Once adequately addressed (based on verification activities of TDOE) the State issues a letter to confirm the districts' adequate completion of the activities.

Further Information

The following documents are located on Tennessee's Monitoring and Compliance web page and provide further detail and evidence of the changes made beginning in the 2009-2010 school year. All Monitoring and Compliance posts are located at http://state.tn.us/education/speced/monitor_compl.shtml:

- TN Compliance Monitoring Procedures Manual
<http://state.tn.us/education/speced/doc/92410compmanual.pdf>
- Example 09-10 Tennessee District Monitoring Report
<http://state.tn.us/education/speced/doc/121009example.xls>
- 4-year Cycle for Compliance & Fiscal Monitoring Schedule
<http://state.tn.us/education/speced/doc/92104yrsched.pdf>
 - 2009-2010 Monitoring Orientation
<http://state.tn.us/education/speced/complianceandmonitoringarchive.shtml>
 - 2010-2011 Monitoring Orientation
http://state.tn.us/education/speced/monitor_compl.shtml

The previous "systemic" method of compliance monitoring during and prior to FFY08 did allow for accurately reporting the number of LEAs with noncompliance items, but did not adequately track correction and verification of individual student findings of noncompliance. In addition, the previous system only addressed noncompliance when districts fell below the 95% level. As such, TDOE could not adequately report B15 data relative to whether all individual compliance monitoring findings were corrected within one year.

With the new compliance monitoring system, all data for noncompliance that falls below 100% are collected and noncompliance correction is tracked and verified at prong 1 and 2 levels. The State looks forward to reporting correctly noncompliance and verification FFY09 data from on-site monitoring beginning with the FFY10 APR, due Feb 2012. (New procedures and examples of new compliance monitoring reports are available in the updated SPP.)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY09:

The TDOE has progressed in terms of their understanding and implementation of verification processes required. As such, the FFY09 data are being actively verified. However, it is impossible to verify at all levels the FFY08 data. Our progress has been the result of development of instruments for the collection and verification of compliance monitoring data at both student and district levels. The table provides an update on improvement activities followed by the B-15 Worksheet.

NOTE: See Indicator 20 for documentation of technical assistance received and actions taken for this indicator. These were a result of requirements of the June, 2010, OSEP response table issued for the TN FFY08 APR submission.

.Improvement Activities	Discussion of Improvement Activities and Progress
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	or Slippage that Occurred For FFY2009
Provide follow-up technical assistance to LEAs/programs based on information identified through on-site monitoring.	<p>Information identified through on-site monitoring was reported to LEAs in a letter from the TDOE to comply with 20 U.S.C. 1232(d)(b)(3)(E) and 34 CFR 300.149 and 300.600. Thirty-five LEAs were monitored in FFY09. Corrective Actions at both the individual student level and at the district level were addressed in an Excel Workbook which documented each district's findings of noncompliance and verifications of corrections until districts were 100% compliant.</p> <p>Progress made. Continue Activity</p>
Provide instructional sessions at the state and regional conferences and annual orientation for new agency/ program staff.	<p>Three regional orientations were conducted in August 2009 and conference presentations were held in February 2010 as planned.</p> <p>As this activity is now part of standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made. .</p>
Dispute Resolution: Provide technical assistance and training in LEAs where discrepancies or non-compliance issues are found. Continue current practices and training to ensure compliance with federal and state statutes and regulations.	<p>Training and review of state and federal dispute resolution processes was conducted for the benefit of LEA staff at the annual statewide conference and at regional meetings.</p> <p>As this activity is now part of standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made. .</p>
Provide technical assistance and training to assure appropriate secondary transition goals. Develop monitoring guidelines and verification of noncompliance for the area of secondary transition.	<p>Training was provided through the TOPs program to all districts that were to be monitored in the 2009-2010 school year.</p> <p>As this activity is now part of standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made.</p>
The State is progressing on research, development, and implementation which will result in a secure web-based system for collecting, analyzing, tracking and reporting all noncompliance findings at individual student and district levels expeditiously and with fidelity.	<p>An RFP for a secure web-based system for collecting, analyzing, tracking and reporting all noncompliance findings at individual student and district levels was released in May, 2010 and awarded to Kyran Research Associates for implementation beginning with the 2010-2011 school year. The link for the Web-Based Monitoring System (WBMS) is on the web at http://state.tn.us/education/speced/monitor_compl.shtml.</p> <p>As this activity is now part of standard operating procedure, it will be discontinued as an improvement activity.</p> <p>Progress made. .</p>

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY2010:

Improvement Activity	Timeline	Resources
Provide in the Secure Web-Based Monitoring System (WBMS) processes for tracking individual students whose files are reviewed and corrected (Prong 1) and additional data are reviewed to verify correct regulatory implementation (Prong 2)	2010-2011 through 2012-13	TDOE Mid-South RRC Kyran Research Associates
Provide Regional Training with districts at a minimum of 9 sites in East, Middle and West Tennessee on the requirements of the IEP through use of the Student File Review Protocol.	2010-2011 through 2012-13	TDOE Monitoring Staff Kyran Research Associates
Develop web-based training module for compliance criteria to be accessible by all teachers and supervisors through the special education website and as well as the on-line secure web-based monitoring system.	2010-2011 through 2012-13	TDOE Monitoring Staff TDOE A/V and Technical Staff Kyran Research Associates
Currently, there are 7 monitors responsible for all LEAs and 4 monitors responsible for state special, private and charter schools and incarcerated youth. Reorganization of the monitors with respect to these catchment areas will allow all 11 monitors to be responsible for the monitoring and technical assistance provided to the LEAs, as well as the state special, private and charter schools and incarcerated youth located within each LEA's catchment area. Each monitor will have fewer districts with which to work.	2010-2011 through 2012-13	TDOE Monitoring Staff

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 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 training program, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-1 0 B-2 0 B-14 0	B-1 0 B-2 0 B-14 0	B-1 0 B-2 0 B-14 0
	Dispute Resolution: Complaints, Hearings	B-1 0 B-2 0 B-14 0	B-1 0 B-2 0 B-14 0	B-1 0 B-2 0 B-14 0
	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-3 0 B-7 0	B-3 0 B-7 0	B-3 0 B-7 0
	Dispute Resolution: Complaints, Hearings	B-3 0 B-7 0	B-3 0 B-7 0	B-3 0 B-7 0
	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-4A 15 B-4B 0	B-4A 15 B-4B 0	B-4A 15 B-4B 0
	Dispute Resolution: Complaints, Hearings	B-4A 0 B-4B 0	B-4A 0 B-4B 0	B-4A 0 B-4B 0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-5 0	B-5 0	B-5 0
	Dispute Resolution: Complaints, Hearings	B-5 0	B-5 0	B-5 0
	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-6 0	B-6 0	B-6 0
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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-8 0	B-8 0	B-8 0
	Dispute Resolution: Complaints, Hearings	B-8 0	B-8 0	B-8 0
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate	Monitoring Activities: Self-Assessment/ Local APR, Data Review,	B-9 0	B-9 0	B-9 0
		B-10 0	B-10 0	B-10 0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	B-9 0 B-10 0	B-9 0 B-10 0	B-9 0 B-10 0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-11 69	B-11 69	B-11 69
	Dispute Resolution: Complaints, Hearings	B-11 0	B-11 0	B-11 0
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. * Note: Findings reported are individual noncompliance, tracked through the EasyIEP and the State data system. See note below.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-12 19	B-12 53	B-12 53
	Dispute Resolution: Complaints, Hearings	B-12 0	B-12 0	B-12 0
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-13 28	B-13 237	B-13 230
	Dispute Resolution: Complaints, Hearings	B-13 0	B-13 0	B-13 0

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
annual IEP goals related to the student's transition service needs. <i>* Note: Findings reported are individual noncompliance, tracked through the EasyIEP and the State data system. See note below.</i>				
Other areas of noncompliance: Dispute Resolutions	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-16 0	B-16 0	B-16 0
	Dispute Resolution: Complaints, Hearings	B-16 8	B-16 18	B-16 18
Other areas of noncompliance: Timely Reevaluations (within three years)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	0	0	0
Sum the numbers down Column a and Column b	a) 395	b) 388		
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.	388(b) /395(a) X 100 = 98.23%		98.23%	

*Indicator 12 Individual Student Findings and Verification of Corrections:

In FFY 2008 noncompliance associated with indicator B-12 was captured via the Part B and 619 Tennessee Early Intervention Data System (TEIDS). TEIDS also captures when timelines are complete allowing for the verification of correction of noncompliance. B-12 noncompliance data were captured and tracked through student on-line records in the state's special education data system.

*Indicator 13 Individual Student Findings and Verification of Corrections:

In FFY 2008 noncompliance associated with indicator B-13 was captured via the Part B Data System (EasyIEP). B-13 noncompliance data were captured and tracked through student on-line records in the state's special education data system.

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 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, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State. (20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
FFY2009	100% of signed written administrative complaints will be resolved within required timelines.

Actual Target Data for FFY2009:

100%=[57+3 divided by 60] times100. 99 signed written complaints were received by the division. 60 reports were issued. Of the 60 reports issued, 57 were within timelines and 3 were within extended timelines. 18 reports included findings of noncompliance. 5 complaints were pending at the end of the reporting period, 5 of which were complaints pending a due process hearing. 34 complaints were withdrawn or dismissed.

Discussion of Improvement Activities and Progress or Slippage that Occurred

100% of signed written complaints were resolved within the timelines (including extended timelines). Target was met

NOTE: See Indicator 20 for documentation of technical assistance received and actions taken for this indicator as a result of requirements of the June, 2010, OSEP response report issued for the TN FFY08 APR submission.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred for FFY2009
Implemented procedures requiring that exceptional circumstances warranting extensions of the sixty (60) day timeline be documented and correspondence be directed to LEA and parent with explanation of the exceptional circumstances as defined and determined by TDOE. This is now part of standard TDOE procedure, therefore this activity will be discontinued.	Three (3) written complaints were resolved within extended timelines pursuant to the new procedure for extension of the sixty (60) day timeline.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Activities	Timeline	Resources
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NONE.		
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TABLE 7-Report of dispute resolution

TABLE 7

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SECTION A: Written, Signed Complaints	
(1) Written, signed complaints total	99
(1.1) Complaints with reports issued	60
(a) Reports with findings	18
(b) Reports within timeline	57
(c) Reports within extended timeline	3
(1.2) Complaints withdrawn or dismissed	34
(1.3) Complaints pending	5
(a) Complaints pending a due process hearing	5

SECTION B: Mediation Requests	
(2) Mediation requests total	36
(2.1) Mediations held	21
(a) Mediations held related to due process complaints	11
(i) Mediation agreements	7
(b) Mediations held not related to due process complaints	10
(i) Mediation agreements	9
(2.2) Mediations not held (including pending)	15

SECTION C: Due Process Complaints	
(3) Due process complaints total	42
(3.1) Resolution meetings	16
(a) Written settlement agreements	9
(3.2) Hearings (fully adjudicated)	1
(a) Decisions within timeline (include expedited)	0
(b) Decisions within extended timeline	1
(3.3) Resolved without a hearing	24

SECTION D: Expedited Due Process Complaints (Related to Disciplinary Decision)	
(4) Expedited due process complaints total	0
(4.1) Resolution meetings	0
(a) Written settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	0

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State

(a) Change of placement ordered	0
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Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
FFY2009	100% of due process hearings will have written decision within the required timelines.

Actual Target Data for FFY2009:

100%= [0+1 divided by 1] times 100. 42 due process hearing requests were received by the division. 1 due process hearing request was fully adjudicated. 24 due process hearing requests were resolved without a hearing. 17 requests were pending at the end of the reporting period.

Discussion of Improvement Activities and progress or slippage that occurred.

100% of due process hearings were decided within the timelines (including extended timelines). There were no findings of noncompliance. Target was met.

Improvement Activities	Discussion of Improvement Activities And Progress or Slippage that Occurred for FFY2009
	Pursuant to Tennessee Code Annotated §49-10-606(b), the Administrative Office of the Courts provided annual training in special education law to administrative law judges. Continue activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Activities	Timeline	Resources
NONE		

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
FFY2009	5% of hearing requests that go to resolution sessions will be resolved through resolution session settlement agreements.

Actual Target Data for FFY2009:

16 resolution sessions were conducted with 9 resulting in signed written agreements.

Discussion of Improvement Activities and progress or slippage that occurred.

56% of hearing requests that went to resolution sessions resulted in signed written agreements. Target was met. 56%=[9 divided by 16] times 100.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred for FFY2009
	During initial case status conference telephone calls, administrative law judges encourage parties to participate in resolution sessions. Continue activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for Section A in the FFY2010:

Activities	Timeline	Resources
NONE		

Part B State Annual Performance Report (APR) for FFY09

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
FFY2009	60% of mediations will reach agreement within any applicable timelines

Actual Target Data for FFY2009:

36 mediation requests were received by the division. 10 were not related to due process hearing requests. Of the 10 that were not related to due process hearing requests, 9 resulted in agreements. Of the 11 mediations that were related to due process hearing requests, 7 resulted in agreements. 15 mediations were either pending or not conducted.

Discussion of Improvement Activities and progress or slippage that occurred.

76% of mediations reached agreement within applicable timelines (16 agreements divided by 21 mediations held). Target was met. 76%=[7+9 divided by 21] times 100.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred for FFY2009
	Pursuant to Tennessee Code Annotated §49-10-606(b), the Administrative Office of the Courts provided annual training in special education law to administrative law judges. Continue activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY2010:

Activities	Timeline	Resources
NONE		

Part B State Annual Performance Report (APR) for FFY2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY2009	State reported data are 100% timely and accurate.

Actual Target Data for FFY2009:

TDOE made progress from 92.31% in FFY08 to 95.24% in FFY09, improving timeliness and accuracy for state reported data, including 618 data, State Performance Plan, and Annual Performance Reports. TDOE did not meet its target FFY09 target of 100%.

a. Evidence that state reported data were submitted on or before due dates

618 Data Reports

Data for Data Transfer System (DTS) files for OSEP Tables 1, 2, 3, 4 (partial), 5, 6 and 7 submitted as Education Data Exchange Network (EDEN) files N002, N003, N004, N005, N006, N007, N009, N070, N089, N093, N099, and N112 were submitted to DAC/OSEP/Westat on time. Issues with creating a standard report from the TDOE statewide longitudinal data system for the subgroup of students with disabilities who had disciplinary incidents during the 2008-2009 school year have caused the late submission of N088, N143, and N144. EDEN files N088, N143 and N144 contain data components of OSEP Discipline Table 5. TDOE special education data personnel are working with TDOE longitudinal data system personnel to remedy the outstanding issues from data stored for the 2008-2009 school year.

TDOE does not anticipate delays in reporting EDEN N88, N143 or N144 for FFY 2010.

Tennessee Part B APR FFY2009

Annual Performance Report

The Annual Performance Report was submitted on the due date of February 2, 2009 as required.

b. Evidence that state reported data are accurate

618 Data Reports

Accurate data entry is ensured through these processes:

(a) student-level data is collected through our state-wide special education data system that is partially integrated with Tennessee's state-wide student information system and includes state assigned unique student identifiers;

(b) student-level data entry occurs during the process of writing each student's Individualized Education Plan (IEP) in all Tennessee LEAs and is reviewed by IEP team members for all students with disabilities in the state;

(c) all key student demographic data, and data for all federal reports, is controlled by the state through data entry validation tables which enforce consistent data entry by all LEAs; and

(d) TDOE provides many hours of direct technical assistance are provided to LEAs regarding data entry and data quality control.

Report instructions provided with each report table are carefully followed to generate all 618 federal data reports. Tennessee reviews all data tables using the edit checks provided in the technical assistance documentation available on the IDEA Data website. All state reported 618 data are accurate.

See attached *Rubric for Part B – Indicator 20*.

Annual Performance Report

The standards set out for reporting state activities were met as required.

Technical Assistance related to Indicators 15 and 16

The TDOE has utilized several sources of *technical assistance* as it strives to improve data, compliance, and performance as reported through this APR.

Indicator 15 During FFY09 the State received technical assistance from its OSEP state contact, the Data Accountability Center (DAC), the Mid-South Regional Resource Center (MSRRC), the National Post School Outcomes Center (NPSO) and through a contract for technical assistance with Special Education Data Services and Information System (SPEDSIS). Actions taken as a result of this technical assistance include: more accurate collection of suspension data, reporting of certain noncompliance findings and actions taken that TDOE was advised to include in the APR that would not have been reported otherwise, selection by NPSO as the recipient of intensive technical assistance relative to post school outcomes, and improvements to the compliance monitoring system that allow for web based monitoring that will enable TDOE to better gather "student level" data and track corrections and verifications in a more timely manner.

The percent of noncompliance corrected within one year improved from 89% for FFY08 to 98% for FFY09. This improvement relates to changes in monitoring procedures which includes the development of an Excel Workbook that records ALL findings of noncompliance at the student level as well as the district level (see indicator #15 for more information).

Indicator 16

Technical assistance related to complaint investigation procedures was received from the OSEP state contact, as well as through utilization of RRCP web resources. TN is also connected to CADRE through its listserve and receives regular information and guidance from this source.

Tennessee Part B APR FFY2009

As a result of technical assistance received from the OSEP state contact, TDOE implemented procedures requiring that exceptional circumstances warranting extensions of the sixty (60) day time line mandated by 34 C.F.R. §300.152 be documented and that correspondence be directed to LEA and parent with explanation of the exceptional circumstances. The technical assistance also aided TDOE in defining and determining whether exceptional circumstances exist in the investigation and determination of individual complaints.

The resolution of written complaints within required timelines improved from 81.48% to 100%. This improvement can be attributed, at least in part, to a change in procedures for approving extended timelines based on directives from OSEP.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2009:

The correction of file format issues in the state longitudinal education data warehouse have been completed. We anticipate meeting the target of 100% timely and accurate data reporting for FFY09.

A. To ensure accuracy of data:

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred for FFY2009
Provide TA to LEAs on: <ul style="list-style-type: none"> • procedures to examine and verify their LEA data • maintaining copy of records submitted to State • Year to year comparisons of each table, i.e. child count, disability information, exiting and LRE data • Definitions for common misinterpretations or new interpretations, such as how to distinguish between short vs. long-term suspensions and expulsions, in-school vs. out-of-school suspensions, etc. 	During the first four months of the FFY 2009 school year, bi-weekly teleconferences were held for all LEAs. For the remainder of the school year teleconferences regarding data and data system issues were held as needed. The primary purpose of these teleconferences was to provide technical assistance to LEAs regarding topics listed in Improvement Activities (listed to the left); to inform LEAs of changes/edits/fixes in the data system for students with disabilities; cover issues surrounding the integration of the data system for students with disabilities with the data system for all students in the state. All LEAs received email notifications regarding scheduled technical assistance teleconferences with attachments containing agendas providing details regarding the content of each teleconference. This process is now a standard procedure and will be discontinued as an improvement activity. Progress made.
Work with contractor for state special education student information system to refine data collection system to ensure accuracy and timeliness of teacher, school, LEA, and SEA-level data	During FFY 2009, approximately 98 hours of direct contact (in-person meetings, work sessions, and follow-up conversations) with the contractor for the state special education student information system to refine data collection system to ensure accuracy and timeliness of teacher, school, LEA, and SEA-level data were completed. This process is now a standard procedure and will be discontinued as an improvement activity. Progress made.
Communicate and collaborate with other	Monthly meetings were held with TDOE Data

Tennessee Part B APR FFY2009

<p>offices within the Tennessee Department of Education to obtain comparison data necessary for compilation of Annual Performance Report indicators</p>	<p>Management Committee (department-wide, all offices represented). These meetings are conducted by the TDOE Chief Analytical Officer and includes the state's Education Data Exchange Network (EDEN) Coordinator. Correction of issues in the state longitudinal education data warehouse are managed through this committee.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p> <p>Progress made.</p>
<p>Work to receive clearance to submit data previously submitted to OSEP through the DANS system via the Education Data Exchange Network (EDEN).</p>	<p>Tennessee has received approval from the US Department of Education for the submission of six sets of IDEA section 618 data previously submitted through OSEP DTS Tables 1 through 6 to be submitted via the Education Data Exchange Network (EDEN).</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p> <p>Progress made.</p>

B. To ensure that all federal data tables are submitted on time:

Improvement Activities	Discussion of Improvement Activities and progress or slippage that occurred for FFY2009
<p>Information placed on special education website for LEAs to download and read to facilitate the timely and accurate submission of their December Census Report</p>	<p>Information was made available to LEAs regarding the 2009 December Census Report packet (including both state and federal data collections) on November 23, 2009.</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
<p>December Census due to State from LEAs</p>	<p>100% of LEAs reported their 2009 December Census to the state by January 31, 2010</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
<p>Deadline for all verifications and additional data.</p>	<p>100% of LEAs reported their 2009 December Census to the state by January 31, 2010</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
<p>Submit Federal Data Tables 1, 3 & 6 to OSEP</p>	<p>Data for 2009 OSEP Child Count Table 1, Education Environments Table 3, and</p>

	<p>Assessment Table 6 for Tennessee were submitted to OSEP and Westat on or before February 1, 20010.</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
Information placed on special education website for LEAs to download and read to facilitate the timely and accurate submission of their End of the Year Reports	<p>Information was made available to LEAs regarding the 2009-2010 End of the Year packet (including both state and federal data collections) on March 23, 2010.</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity.</p>
EOY Federal Tables due to State from LEAs	<p>100% of LEAs reported their 2009-2010 End of the Year packet to the state by June 30, 2010</p> <p>Progress made.</p> <p>This process is now a standard procedure and will be discontinued as an improvement activity</p>
<p>Submit Federal Data Tables 2, 4, 5, and 7 to OSEP</p> <p>(Continue refinement of crosswalk and reporting procedures from state database containing discipline data for all students, with and without disabilities to facilitate timely and accurate data submission for OSEP Table 4)</p>	<p>EDEN data files for OSEP Tables 2, 5, and 7 were submitted in a timely manner and were accurate. Some EDEN data files that are included in OSEP Discipline Table 5, N088, N143 and ,N144, were not submitted in a timely manner. TDOE is working to submit all EDEN files used in OSEP Table 5.</p> <p>We <u>do not</u> anticipate delays in submission of EDEN files for 2010-2011.</p> <p>Slippage. Continue activity.</p>

C. To ensure that the FFY2009 APR is submitted by February 1, 2011:

Review and assign or re-assign staff to each indicator as needed.	<p>Assignments remained in place just after submission of the FFY08 Annual Performance Report (APR) in February, 2010. A review of assignments was conducted at a June, 2010, staff meeting. Several new indicator chairs were named to including those for indicators 3, 8,11,13,and 14.</p> <p>Progress made. Continue activity.</p>
<p>Organize the content of federal data tables 1, 3 & 6, for indicators utilizing Dec. 1 data in a format which indicator chairpersons can utilize for completing indicator responses.</p> <p>Additionally, Table 7 to be provided for indicator drafts due on the “first round” of deadlines.</p>	<p>These tables were provided to OSEP and to the appropriate chairpersons in accordance with planned timeframes. Indicators associated with these tables were completed as planned.</p> <p>Progress made. Continue activity.</p>

Tennessee Part B APR FFY2009

Assignment due date for draft indicators which utilize Dec. 1 data, as well as selected other indicators, set by the TDOE APR Master Calendar as the 1st week of October. These will first be submitted to the TDOE APR director for review before going to stakeholders for review.	Indicators assigned for the "first round" of reviews included: 5, 7,9,10,11,12, and 16-19. These drafts were ready for review by the first of October, 2010. Progress made. Continue activity.
Submit "first round" draft indicators to state Advisory Council for review and feedback.	Provided to the State Advisory Council on October 11, 2010 for review/edits/additions/deletions/discussion. Progress made. Continue activity.
Incorporate Advisory Council comments on select draft indicators.	If any, these were completed by or before the last week of October, 2010. Progress made. Continue activity.
Organize federal data tables 4 and 5 (due November 1 to OSEP) in a format which the indicator chairpersons can utilize for completing related indicator responses. Specify other indicators due for the "second round" of draft deadlines.	Data formats for indicators 1 and 2, were completed for use by the chairperson in a timely manner. Data formats for indicator 4 were delayed for use by the chairperson due to EDEN data files (N088, N143, and N144) which are part of OSEP Discipline Table 5- being slightly delayed. Slippage. Continue Activity Other indicators required for the "second round" of draft deadlines were 1, 2, 3, 4a and 4b, 8,13,14,15 and 20. These drafts were submitted as scheduled by or before December 31, 2010. Progress made. Continue activity.
Director of APR reviews draft indicators and provides feedback to indicator chairpersons.	Is ongoing and an integral part of overall APR development. Progress made. Continue activity.
Provide draft of "second round" of indicators to State Advisory Council for review and comments.	Provided to the State Advisory Council on January 19, 2011 for review/edits/additions/deletions/discussion. Progress made. Continue activity.
Incorporate Advisory Council comments on select draft indicators.	If any, these were completed by or before the last week of January, 2011. Progress made. Continue activity
Send a copy of the final APR to the State Advisory Council.	Sent week of February 1st, 2011. Progress made. Continue activity
Submit FYY09 APR to OSEP & place document on Division website.	Submitted to OSEP electronically on February 1, 2011. Document submitted to webmaster to place on the State website at same date. Progress made. Continue activity

Revisions, with Justification, to Proposed Targets (See SPP) / Improvement Activities / Timelines / Resources for FFY2010:
[If applicable]

Tennessee Part B APR FFY2009

Tennessee
State

Activities	Timeline	Resources
NONE		

Part B Indicator 20 Data Rubric
(after OSEP Status Table revisions-April, 2011)

Part B Indicator 20 - SPP/APR Data			
APR Indicator	Valid and reliable	Correct calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
4B	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	1	1	2
13	1	1	2
14	1	1	2
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	40
APR Score Calculation	Timely Submission Points - If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total – (Sum of the subtotal and Timely Submission Points) =		45.00

Part B Indicator 20 - 618 Data					
Table	Timely	Complete Data	Passed Edit Check	Responded to Date Note Requests	Total
Table 1 – Child Count Due Date: 2/1/10	1	1	1	1	4
Table 2 – Personnel Due Date: 11/1/10	1	1	1	N/A	3
Table 3 – Ed. Environments Due Date: 2/1/10	1	1	1	1	4
Table 4 – Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 5 – Discipline Due Date: 11/1/10	1	1	1	N/A	3
Table 6 – State Assessment Due Date: 2/1/11	1	NA	NA	N/A	1
Table 7 – Dispute Resolution Due Date: 11/1/10	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 2.143)=		45.00

Indicator #20 Calculation	
A. APR Grand Total	45.00
B. 618 Grand Total	45.00
C. APR Grand Total (A) + 618 Grand Total (B) =	90.00
	Total N/A in APR
	0
	Total N/A in 618
	0
	Base
	90.00
D. Subtotal (C divided by Base*) =	1
E. Indicator Score (Subtotal D x 100) =	100

* Note any cell marked as N/A will decrease the denominator by 1 for APR and 2.143 for 618