Tennessee

IDEA Part B

Annual Performance Report

FFY08

State of Tennessee
Department of Education
Division of Special Education

TABLE OF CONTENTS

INDICATOR 1: GRADUATION 1
INDICATOR 2: DROP-OUT 4
INDICATOR 3: STATEWIDE ASSESSMENTS 7
INDICATOR 4: SUSPENSION/EXPULSION: 16
INDICATOR 5: LRE PLACEMENT 19
INDICATOR 6: PRESCHOOL SETTING 24
INDICATOR 7: PRESCHOOL SKILLS 27
INDICATOR 8: PARENT INVOLVEMENT 29
INDICATOR 9: DISPROPORTIONATE REPRESENTATION IN SPECIAL EDUCATION 36
INDICATOR 10: DISPROPORTIONATE REPRESENTATION BY SPECIFIC DISABILITY CATEGORIES 41
INDICATOR 11: CHILD FIND 46
INDICATOR 12: PART C TO PART B TRANSITION 52
INDICATOR 13: SECONDARY TRANSITION WITH IEP GOALS 57
INDICATOR 14: SECONDARY TRANSITION AFTER SECONDARY SCHOOL 59
INDICATOR 15: MONITORING 61
INDICATOR 16: COMPLAINTS 75
TABLE 7 – REPORT OF DISPUTE RESOLUTION 77
INDICATOR 17: REPORT OF DISPUTE RESOLUTION 79
INDICATOR 18: HEARING REQUESTS THAT WENT TO DISPUTE RESOLUTION 81
INDICATOR 19: MEDIATION 83
INDICATOR 20: SPP/APR 85

Part B Annual Performance Report (APR) for 2008-2009 (FFY08)

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.

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.

3. The 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 report's 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 LEAs 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 26, 2009 and January 11, 2010*** for exchange of information and review. The document was also submitted to the Mid South Regional Resource Center (MSRRC) in **December of 2009** 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 *FFY08*

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
FFY08	*Increase the graduation rate of students with disabilities to the ESEA target of 90% or a minimum of 1.5% increase per year.*

Actual Target Data for FFY08:

Graduated with regular diploma (5061)

Divided by:

Graduated with regular diploma (5061) + drop outs (1200) + special education certificate (1747)

5061/8008 x 100 = 63.2%

The data reported above provide the annual graduation rate and are from Title I ESEA data from the 2007-08 school year and drop out data collected via the special education collection also from the 2007-08 school year.

Note: The numerator for the calculation of this percentage is TN's ESEA reported data for school year 2007-08. The denominator is ESEA data plus special education reported drop out data.

The data used to measure Indicator 1 are based on the 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. Information submitted to the Department on page 61 in Section 1.8.1 of Part I of Tennessee's 2008-09 CSPR states that the demographic breakouts (Student Groups) of Children with Disabilities (IDEA), Limited English Proficient, Economically Disadvantaged, and Migratory Students will begin to be reported in the 2009-10 CSPR.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 08:

The ESEA graduation rate 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 making this rate a new baseline rate.

Upon review of all ESEA data, and internal analysis, the ESEA drop out data were found to be potentially under reported. The special education drop out data has been collected for years and is considered robust and comprehensive when compared to ESEA drop out data. The State is transitioning from a specific special education exit collection to the use of the special education subgroup of the ESEA data.

The State's data governance team is continuing to work on these data as the state moves toward the National Governor's Association cohort approach for calculating graduation rate. Timelines for change to the 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 FFY08
Beginning with 2006-07 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. Conduct focused monitoring and development of improvement plans where warranted.	During the 08-09 school year, the graduation rates of all LEA's in the state were reviewed by TDOE Monitoring Staff. Thirty-Seven (37) LEA's did not meet the state average or the minimum 1.5% increase for the graduation rate and were required to write a corrective action plan. No focus visits were required. Progress made/ongoing activity.
Provide extensive training for test accommodations for use with state mandated assessments	In the FFY2008 school year, LEA's were provided training regarding Tennessee Comprehensive Assessment Program (TCAP). Special educators as well as general educators received training on testing accommodations, Alternate Assessment and Portfolio Assessment, through collaboration with the Office of Assessment and Evaluation. Progress made/continue activity.
Encourage/Emphasize student participation in work based learning	Six regional trainings held were held during the2008-2009 school year in each of the three regional divisions of the State. This resulted in 96 teachers being trained. Progress made/continue activity.
Training for reading instruction for all grades will be emphasized across the state.	The first annual statewide Reading Summit for teachers of all grades was held in the spring of 2009. Additionally, trainings on new statewide content standards were held across the state in May, 2009. The TDOE also held a Graduation Summit for all LEAs within the state during the summer of 2009. Progress made/continue activity.

Ongoing use of credit recovery programs to impact graduation rates in a positive manner.	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.) Progress made/ongoing activity.
Award AYP grants to LEAs who failed to meet ESEA scores for High School graduation rates for students with disabilities.	TDOE awarded 39 AYP grants to LEAs to implement strategies and interventions to increase academic performance of students with disabilities. These grants support inclusionary practices which can effect graduation rates.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08

Activities	Timeline	Resources
Table relationships will be built in the TDOE data warehouse to correctly identify the IDEA subgroup of students within the ESEA data.	Completed by June 30, 2010	TDOE special education and data warehouse staff Contractor for data warehouse programming

***Part B State Annual Performance Report (APR) for* FFY08**

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
FFY08	*Decrease the drop out rate of students with disabilities to the ESEA target of 10% or a minimum of 1.5% decrease per year.*

Actual Target Data for FFY08:

Dropped out (1200)

Divided by:

Graduated with regular diploma (5061) + received special education certificate (1747) + dropped out

(1200) = 14.99%

The data reported above for FFY08 provide the annual graduation rate and are from Title I ESEA data from the 2007-08 school year AND drop out data collected via the special education collection.

Note: The numerator for the calculation of this percentage is TN's special education data for school year 2007-08. The denominator is ESEA data plus special education reported drop out data.

The data used to measure Indicator 2 are based on the data the state has checked for congruency with data required to be reported to the Department under Title 1 of the Elementary and Secondary Act (ESEA) as part of its Consolidated State Performance Report (CSPR) Section 1.8.2. Information submitted to the Department on page 62 in Section 1.8.2 of Part I of Tennessee's 2008-09 CSPR states that the demographic breakouts (Student Groups) of Children with Disabilities (IDEA), Limited English Proficient, Economically Disadvantaged, and Migratory Students will begin to be reported in the 2009-10 CSPR.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *FFY08*:

The ESEA dropout rate of 10% was not met and it could not be determined if a 1.5% decrease occurred as the rate this year was calculated differently than last year's making this rate a new baseline rate.

Upon review of all ESEA data, and internal analysis, the ESEA drop out data were found to be potentially under reported. The special education drop out data have been collected for years and is considered robust and comprehensive when compared to ESEA drop out data. The State is transitioning from a specific special education exit collection to the use of the special education subgroup of the ESEA data.

The State's data governance team is continuing to work on these data as the state moves toward the National Governor's Association cohort approach for calculating drop out rate. Timelines for change to the AYP drop out 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 FFY08
Pursue development of alternate diplomas or graduation paths.	Beginning with the freshmen class entering in Fall of 2009 TN no longer will grant Special Ed diplomas or Certificate of Attendance. The state will have one general education diploma for all students. Transition or IEP Certificates will be awarded to students with disabilities who do not meet the requirements for a general education diploma. Progress made. Discontinue activity.
Determine the ongoing availability of CTE programming for all students.	All LEAs within the state with high schools (128) continue to offer CTE programming for all students. Progress made. Continue activity.
	Annual Career and Technical Education Conference is held each July. Progress made. Activity is ongoing. Discontinue reporting as APR improvement activity.
	Contextual Academic Courses have been realigned to regular academic standards. However, these competencies will not be placed on-line. Progress made. Continue activity.
Provide training to special education and general education teachers on differentiated instruction.	Training provided through EdExcellence and the RISE Project (see indicator #5, activity 4). Progress made. Continue activity.

	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. Progress made. Ongoing activity.
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.	During the 08-09 school year, the drop out rate of all LEA's in the state were reviewed by TDOE Staff. Twenty-Seven (27) LEA's did not meet the ESEA target or the 1.5% decrease for the drop out rate and were required to write a corrective action plan. No focus visits were required. Progress made/ongoing activity.
Data system improvement to manage the student record transfer from district to district to improve the accuracy of data regarding exiting students.	State Education Information System is building 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.") Progress made. Activity ongoing.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08

Activities	Timeline	Resources
Table relationships will be built in the TDOE data warehouse to correctly identify the IDEA subgroup of students within the ESEA drop out data.	Completed by June 30, 2010	TDOE special education and data warehouse staff Contractor for data warehouse programming

Part B State Annual Performance Report (APR) for FFY08

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 FFY08.

Monitoring Priority: FAPE in the LRE

INDICATOR 3 – STATEWIDE ASSESSMENTS: Participation and performance of children with disabilities 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 2008:

FFY 2008	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation* for Students with IEPs (3B)				Performance* for Students with IEPs (3C)			
Targets for FFY 2008 (2008-2009)	73.0%		Reading		Math		Reading		Math	
			95.0%		95.0%		79.4%		68.6%	
Actual Target Data for FFY 2008 (2008-2009)	#	%	#	%	#	%	#	%	#	%
	23 of 45 school districts	51.0	57,582	99.2	53,914	99.4	57,582	78.0	53,914	67.7

*** This note is applicable to all Participation and Performance tables in this indicator. For grades 3 - 8, FFY08 calculations regarding the number of students with IEPs assessed are based on student assessment data provided by the Division of Assessment, Evaluation, and Research. For high school assessments, numbers are based on first-time test takers reported to have participated in Gateway Assessments (English II –grade 10, Algebra I-grade 9) and in alternate portfolio assessments (reading/language arts and math – grades 9-12). As Gateways are given at the end of the corresponding course, the number of students taking the assessment cannot be accurately correlated to one specific grade. Therefore, to meet the requirements of reporting only one grade per content area, Tennessee chose to report the Gateway grade levels most commonly administered for each assessment. Grades 9-12 represent all students in the Alternate Portfolio Assessment because the math assessment can be administered in any grade in high school. Whereas, English/Language Arts is mainly administered in 11th grade to align with the writing assessment that is required in regular education 11th grade only.**

3.A - Actual AYP Target Data for FFY 2008:

FFY	Measurable and Rigorous Target
2008	A. AYP Percent of school districts meeting Tennessee's objectives for AYP will increase to 73.0%. B. Participation rate percent 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, represents percentages based on student counts who were and were not assessed. C – Reading: Performance rate percent of children with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Reading Assessments will increase to 79.4%. C – Math: Performance rate percent of children with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Mathematics Assessments will increase to 68.6%.

3.A - Districts with a disability subgroup that meet the State's minimum "n" size and met the State's AYP target for the disability subgroup.

FFY 2008	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 2008	Percent of Districts
2008-2009	**136**	**45**	**23**	**51.0%**

3.B – Actual Participation Data for FFY 2008
Disaggregated Data for Reading Participation:

TN Statewide Assessment 2008-2009		Participation Reading							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10	#	%
a	Children with IEPs	9275	9042	8749	8254	8074	8112	6076	57582	
b	IEPs in regular assessment with no accommodations	2764	2021	1509	1276	1273	1438	1860	12141	21.1%
	(%)	29.8%	22.4%	17.2%	15.5%	15.8%	17.7%	30.6%		
c	IEPs in regular assessment with accommodations	5851	6309	6504	6224	6020	5876	3418	40202	69.8%
	(%)	63.1%	69.8%	74.3%	75.4%	74.6%	72.4%	56.3%		
d	IEPs in alternate assessment against grade-level standards*	State does not currently have an alternate assessment that tests children against grade level standards. This assessment will be implemented in FFY 09.								
e	IEPs in alternate assessment against alternate standards	613	677	668	682	716	738	684	4778	8.3%
	(%)	6.6%	7.5%	7.6%	8.3%	8.9%	9.1%	11.3%		
Overall Total (b+c+d+e) Participation		9228	9007	8681	8182	8009	8052	5962	57121	99.2%
(%)		99.5%	99.6%	99.2%	99.1%	99.2%	99.3%	98.1%		
Data below are included in **a** but not included in **b**, **c**, **d**, or **e**										
f	Medical exemptions	2	3	6	8	6	4	9	38	0.1%
g	Absent	29	26	50	56	54	51	96	362	0.6%
h	Invalid	0	0	0	1	0	2	4	7	0.0%
i	Out of Level	0	0	0	0	0	0	0	0	0.0%
j	ELL/R	16	6	12	7	5	3	5	54	0.1%
Overall (b+c+d+e+f+g+h+i+j)		9275	9042	8749	8254	8074	8112	6076	57582	
Total Sum = 100%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	57582	100.0%

Data reported regarding the total number of students who were absent for State-mandated assessments, granted medical exemptions, found invalid, assessed with an out of level test, or took an ELL/R are located in the lower half of either table.

Disaggregated Data for Math Participation:

TN Statewide Assessment 2008-2009		Participation Math							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 10	#	%
a	Children with IEPs	9275	9042	8749	8254	8074	8115	2405	53914	
b	IEPs in regular assessment with no accommodations	2765	2024	1508	1275	1274	1435	779	11060	20.5%
	(%)	29.8%	22.4%	17.2%	15.4%	15.8%	17.7%	32.4%		
c	IEPs in regular assessment with accommodations	5851	6310	6504	6230	6020	5863	729	37507	69.6%
	(%)	63.1%	69.8%	74.3%	75.5%	74.6%	72.2%	30.3%		
d	IEPs in alternate assessment against grade-level standards	State does not currently have an alternate assessment that tests children against grade level standards. This assessment will be implemented in FFY 09.								
e	IEPs in alternate assessment against alternate standards	628	680	679	689	720	744	860	5000	9.3%
	(%)	6.8%	7.5%	7.8%	8.3%	8.9%	9.2%	35.8%		
Overall Total (b+c+d+e)		9244	9014	8691	8194	8014	8042	2368	53567	99.4%
Participation (%)		99.7%	99.7%	99.3%	99.3%	99.3%	99.1%	98.5%		
Data below are included in **a** but not included in **b**, **c**, **d**, or **e**										
f	Medical exemptions	2	3	6	8	6	4	9	38	0.1%
g	Absent	29	24	52	52	53	67	22	299	0.6%
h	Invalid	0	1	0	0	1	2	6	10	0.0%
i	Out of Level	0	0	0	0	0	0	0	0	0.0%
j	ELL/R	0	0	0	0	0	0	0	0	0.0%
Overall (b+c+d+e+f+g+h+i+j)		9275	9042	8749	8254	8074	8115	2405	53914	
Total Sum = 100%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	53914	100.0%

Data reported regarding the total number of students who were absent for State-mandated assessments, granted medical exemptions, found invalid, assessed with an out of level test, or took an ELL/R are located in the lower half of either table.

3.C – Actual Performance Data for FFY 2008:
Actual Reading Performance rate percent of children with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Reading Assessments is 78.0%.

TN Statewide Assessment 2008-2009		Performance Reading							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	#	%
a	Children with IEPs	9275	9042	8749	8254	8074	8112	6076	57582	
b	IEPs in regular assessment with no accommodations	2383	1727	1371	1008	1020	1145	1672	10326	17.9%
	(%)	25.7%	19.1%	15.7%	12.2%	12.6%	14.1%	27.5%		
c	IEPs in regular assessment with accommodations	4217	4367	5481	4455	4177	4151	3006	29854	51.8%
	(%)	45.5%	48.3%	62.6%	54.0%	51.7%	51.2%	49.5%		
d	IEPs in alternate assessment against grade-level standards	State does not currently have an alternate assessment that tests children against grade level standards. This assessment will be implemented in FFY 09.								
e	IEPs in alternate assessment against alternate standards	602	665	658	676	708	727	673	4709	8.2%
	(%)	6.49%	7.4%	7.5%	8.2%	8.8%	9.0%	11.1%		
Overall Total (b+c+d+e) Proficient		7202	6759	7510	6139	5905	6023	5351	44889	78.0%
(%)		77.6%	74.8%	85.8%	74.4%	73.1%	74.2%	88.1%		
Data below are included in **a** but not included in **b**, **c**, **d**, or **e**										
f	Below Proficient	2026	2248	1171	2043	2104	2029	611	12232	21.2%
g	Medical Exemptions	2	3	6	8	6	4	9	38	0.1%
h	Absent	29	26	50	56	54	51	96	362	0.6%
i	Invalid	0	0	0	1	0	2	4	7	0.0%
j	Out of Level	0	0	0	0	0	0	0	0	0.0%
k	ELL/R (N/A)	16	6	12	7	5	3	5	54	0.1%
Overall (b+c+d+e+f+g+h+i+j+k)		9275	9042	8749	8254	8074	8112	6076	57582	
Total Sum = 100%		100%	100%	100%	100%	100%	100%	100%	57582	100%

Data reported regarding the total number of students who were absent for State-mandated assessments, granted medical exemptions, found invalid, assessed with an out of level test, or took an ELL/R are located in the lower half of either table.

Actual Mathematics Performance rate percent of children with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Mathematics Assessments is 67.7%.

TN Statewide Assessment 2008-2009		Performance Math							Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	#	%
a	Children with IEPs	9275	9042	8749	8254	8074	8115	2405	53914	
b	IEPs in regular assessment with no accommodations	2301	1679	1340	955	913	1020	519	8727	16.2%
	(%)	24.8%	18.6%	15.3%	11.6%	11.3%	12.6%	21.6%		
c	IEPs in regular assessment with accommodations	3422	3693	4856	3703	3390	3403	424	22891	42.5%
	(%)	36.9%	40.8%	55.5%	44.9%	42.0%	41.9%	17.6%		
d	IEPs in alternate assessment against grade-level standards	State does not currently have an alternate assessment that tests children against grade level standards. This assessment will be implemented in FFY 09.								
e	IEPs in alternate assessment against alternate standards	612	664	660	683	715	738	832	4904	9.1%
	(%)	6.6%	7.3%	7.5%	8.3%	8.9%	9.1%	34.6%		
Overall Total (b+c+d+e) Proficient		6335	6036	6856	5341	5018	5161	1775	36522	67.7%
(%)		68.3%	66.8%	78.4%	64.7%	62.2%	63.6%	73.8%		
Data below are included in **a** but not included in **b**, **c**, **d**, or **e**										
f	Below Proficient	2909	2978	1835	2853	2996	2881	593	17045	31.6%
g	Medical Exemptions	2	3	6	8	6	4	9	38	0.1%
h	Absent	29	24	52	52	53	67	22	299	0.6%
i	Invalid	0	1	0	0	1	2	6	10	0.0%
j	Out of Level	0	0	0	0	0	0	0	0	0.0%
k	ELL/R (N/A)	0	0	0	0	0	0	0	0	0.0%
Overall (b+c+d+e+f+g+h+i+j+k)		9275	9042	8749	8254	8074	8115	2405	53914	
Total Sum = 100%		100%	100%	100%	100%	100%	100%	100%	53914	100%

Data reported regarding the total number of students who were absent for State-mandated assessments, granted medical exemptions, found invalid, assessed with an out of level test, or took an ELL/R are located in the lower half of either table.

Discussion of Improvement Activities Completed and Explanation of Progress for FYY 2008:

A. 2008-2009: Twenty-three (51.0%) of 45 school districts met the minimum n size for disability subgroup in all areas measured, whereas 22 (48.8%) of 45 school districts did not meet AYP for SWD's subgroup.

B. The total participation rate of 99.3% for SWD's 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 met and exceeded NCLB's requirements of 95% for student's participation in Reading and Mathematics. Tennessee

used actual counts of all students who were and were not assessed in FFY 2008. This allows for an accurate percentage of students with IEPs to report their results.

C. Reading. The percent of SWD's with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Reading Assessments was 78% of SWD's with IEPs. Tennessee used actual counts of all students who were and were not assessed in FFY08, which allows for an accurate percentage of students with IEPs "Proficient or Above" when reporting assessment results.

D. Mathematics. The percent of SWD's with IEPs scoring "Proficient or Above" against grade level standards and alternate achievement standards on statewide Mathematics Assessments was 67.7% of SWD's with IEPs. Tennessee used actual counts of all students who were and were not assessed in FFY08, which allows for an accurate percentage of students with IEPs "Proficient or Above" when reporting assessment results.

TDOE ensures that there has been no change of data source for this indicator. The participation and performance rates for reading and math (APR Items 3b and 3c) have been calculated using the same data sources for each year and may be used for determining progress or slippage from the 0708 to 0809 school years.

The State is currently in the development stages of a modified assessment to meet the needs of approximately 2% of students with persistent academic disabilities. The modified alternate assessment based on academic achievement standards (AA – MAAS) is currently in development and estimated operational by FFY 2009.

Improvement Activities	**Discussion of Improvement Activities Completed and Explanation of Progress that occurred for 2008-2009:**
Institutionalize the comparison of participation rates and proficiency levels of SWDs w/ IEPs on TCAP Assessments. Improve student data reporting and collection.	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 This is an annual TDOE training activity begun in FFY07.
TCAP Accommodations Training – specific focus on definitions of accommodations and appropriate use. a) Regional Training b) Posting of Manuals and Training Modules on the Web c) Conference Calls related to SPED and Assessment Issues	Several methods were utilized in accomplishing a), b), and c), which encompassed the entire school year and are as follows: 2008-2009: 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://www.tennessee.gov/education/speced/assessment.shtml http://www.state.tn.us/education/speced/TCAPAssessmentArch.shtml TCAP accommodation training: See Indicator 1, 5. Progress made. Continue activity.
Provide Training regarding RTI – systematic instruction to determine need for special education	2008 - 2009: Please refer to Indicators 2, 5, and 9 #6 in their improvement activities for further information. http://www.state.tn.us/education/speced/assessment.shtml#rti

services vs. need for better programming.	Progress made. Continue activity.
Provide materials on TN's new high school End of Course assessments and the impact on SWDs.	Statewide training from the TN DOE Divisions of Curriculum and Instruction, Assessment, and Special Education. http://www.state.tn.us/education/assessment/alt_EOC.shtml Training completed. Continue support activity.
Share effective programming strategies for increased proficiency rates on TCAP, TCAP-Alt, and Gateway.	TCAP, TCAP-Alt PA, Gateway, End of Course Assessment Information on State website: http://www.state.tn.us/education/speced/assessment.shtml (More information in Indicators 1 and 5.) Progress made. Continue activity.
Share information gained from research through regional trainings and training modules posted on the Web.	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.
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	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. b) TCAP-Alt PA Manual Updated and posted to state website - Ongoing http://www.state.tn.us/education/speced/doc/80608TCAPTeachManualFin.pdf TN DOE Alternate Assessment website: http://www.state.tn.us/education/speced/altassessarchive.shtml Progress made. Continue activity.
Develop a Modified Alternate Assessment	Following the most recent publication and release of the Office of Special Education Program's (OSEP)'s Federal Register in April 2008, Tennessee is following 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 is 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 are aggressively conducting research and gathering data for identification of the 2% student and development of an AA-MAAS. http://www.state.tn.us/education/speced/assessment.shtml#tcap Progress made. Continue activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
None		

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

A. 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; and

B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of 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.

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

Measurement:

A. 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.
B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of 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) divided by the (# of districts in the State)] times 100.

**The State's definition of "significant discrepancy" is a measure of 1% or greater and is reported for all LEAs in the State. This measure is defined as 1% or more of an LEA's students with disabilities having been suspended over 10 days.*

FFY	Measurable and Rigorous Target
FFY08	*The percent of LEAs having a significant discrepancy in the rates of suspension/expulsion will be reduced by 2.5%*

Actual Target Data for FFY08:

See next page "reply to OSEP's FFY07 Response Table" for data for FFY06 and FFY07.

No target data is reported for FFY08 per OSEP FFY2007 SPP/APR Response Table of June, 2009, "The State is not required to report on this indicator in the FFY2008 APR, due February 1, 2010."

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY08:

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY08
Review the distribution of policies and procedures related to discipline to all school-based staff involved in the disciplinary process, including parents.	Discipline policies and procedures are distributed in writing to parents and staff at the beginning of every school year as required by State mandate. This is an ongoing annual procedure. Progress made/discontinue activity.
Training in positive behavior supports, Functional Behavior Assessments, and effective use of Behavior Intervention Plans to all staff.	The Division contracted with five universities to provide on-going training to LEAs in the area of Positive Behavior Support across the State. Staff from these projects provide individualized training based on the unique needs of each district, teacher, and student. These contracts as well as two more are also in place for the 2009-10 school year. Progress made/continue activity.
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.	See "*reply to OSEP's FFY07 response table"* on previous page for procedures followed. Progress made. Continue activity.
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.	This activity completed through the "local letters of determination" process. LEAs attended behavior /suspension based trainings at the State's annual Special Education Conference. Attendance was documented. Progress made. Continue activity.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
None		

In reply to OSEP's FFY07 Response Table:

"the State must again describe the results of the State's examination of data from FFY2007 (2007-2008). In addition, the State must describe the review, and if appropriate, revision of policies, procedures, and practices relating to the development and implementation of the IEPs, the use of positive behavioral supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY2006 and FFY2007, as required by 34 CFR 300.170 (b)."

The number of LEAs identified with significant discrepancies (i.e. 1% or more of students with disabilities suspended over 10 days) as a result of examination of data were as follows:

FFY07 (2006-2007) 46 of 136 LEAs or 34% when reported again in the FFY08 APR
*FFY07 (2007-2008) 36 of 136 LEAs or 26% when reported again in the FFY08 APR

*Discipline data for school year 2007-08 reported in APR FFY07 (38 of 136 or 28%) decreased slightly when reported as above for APR FFY08 due to the fact that some LEAs found and corrected data discrepancies that they had previously reported as being accurate after the APR was originally submitted for FFY07.(i.e. February 2, 2009).

The State target for reduction of the number of LEAs with significant discrepancy from FFY06 to FFY07 was met (i.e. 3.5% reduction). No progress or slippage could be determined in FFY08 as FFY07 data were reported again in FFY08.

TDOE reviewed LEA policies, procedures, and practices related to the implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA as required in 34 CFR 300.170(b) for the FFY06 and FFY07 school years. As a result of this review, TDOE required affected LEAs to revise practices in the designated area.

TDOE received technical assistance from several sources including the state contact at OSEP, the Midsouth Reqional Resource Center (MSRRC), and the Special Education Data Services and Information System (SPEDSIS). Actions taken were to set up a process of review and if appropriate the revision of policies, procedures, and practices as outlined below.

1. LEAs identified with significant discrepancies through review by the TDOE, were then asked to conduct their own review and respond to questions in 4 broad areas as follows:
   1) were educational services provided to students suspended over 10 days
   2) was data recording conducted in accordance with EIS business rules
   3) did the LEA implement and evaluate Functional Behavior Assessments and Behavior Intervention Plans and use positive behavior supports in schools
   4) Did the school board adopt policies and practices that went beyond regulations of the State?

2. Written response to the above questions were reviewed by 2 TDOE program staff members and LEAs were rated as “adequate” or “inadequate”. An adequate rating was defined as answering yes to all required review questions. An inadequate rating was defined as a no answer to any of the required questions.

3. 57 LEAs received letters requiring review of policies, procedures and practices. An adequate rating was awarded to 42 LEAs and 15 LEAs were rated “inadequate.” LEAs rated Inadequate were required to attend a special training session related to discipline/ behavior/suspensions at the state’s annual conference. These LEAs were also required to submit a plan for amending whatever policy, procedure, or practice that was identified as deficient within 30 days of receipt of the letter requiring a review of policies, procedures and practices.

   TDOE found that the 15 LEAs rated inadequate all lacked policies for using positive behavior supports and practices. Each LEA was specifically required to submit a plan for developing positive behavior supports and practices in at least one school.

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	A) Increase to 54.5% the number of children with IEPs served inside the regular class 80% or more of the day. B) Decrease to 13.5% 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 FFY08:

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
62,762	**106,100**	**59.15%**

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
14,045	**106,100**	**13.24%**

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

Children in Separate Programs*	Total number of children with disabilities	Percentage
1,875	**106,100**	**1.77%**

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

Source: Data from Table 3 of the December 1, 2008 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 *FFY08*:

The data for the 2008-2009 school year was obtained from Table 3 of the December 1, 2008 Federal Census Report. Data reflect that 59.15% of children with IEPs were removed from Regular Class less than 21% of the day in comparison to 56.31% last school year. The state target of 54.5% has been met and exceeded. Data also reflects that 13.24% of children with IEPs are Removed from Regular Class greater than 60% of the day in comparison to 13.52% last school year. The state target of 13.5% has been met. Children served in combined separate programs, which includes separate public/private schools, public/private residential schools and homebound/hospital placements comprise 1.77% of children served. This is less than the 3.71% national average which reflects that this target was met as well.

For 2008-09 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.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY08
In-Service/Training are provided concerning modifications and accommodations in the general classroom for all teachers.	The following TDOE initiatives had associated trainings/in-services that were provided to LEAs in FFY08: ▪ 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 Progress made. Continue activities.
Award contracts to LEAs for facilitating the development of model demonstration sites using inclusionary methods and practices.	For FFY08 twenty-five (25) LEAs, compared to fifteen (15) the previous year, were awarded grants in the amount of $1,259,408.00 This is an increase of $444,318.00 from the previous year. LEAs awarded grant funds in past years are continuing their inclusive practices. Progress made. Continue activity.
Award AYP grants.	See indicator 1, activity 6
TDOE publicly recognizes LEAs / individual schools with exemplary inclusion programs.	During the spring of 2009, six (6) schools from across the State were publicly recognized by TNDOE for exemplary inclusion programs. Progress made. Continue activities.
Continue to fund EdExellence and RISE to work with LEAs, children and parents in the least restrictive environment.	Both agencies were funded at the previous year's level. RISE serves LEAs in West Tennessee and EdExcellence serves LEAs in middle and east TN. Activities included: • Differentiated Instruction • Positive Behavior Supports • Co-Teaching/Inclusive Setting • Reading Intervention • Accommodations /Modifications in the general classroom • Instructional Programming – Autism • RTI Training • Transition from school to post school life • Work-based learning trainings <u>RISE</u> The Restructuring for Inclusive School Environments (RISE) Project provided on-site technical assistance to over 20 schools within 8 districts and centrally located professional development centers in West TN during FFY08. In addition, it provided 10 professional development events (i.e., workshops, inservices, conferences, presentations) during FFY08. The grant also hosted the 12th annual Beyond Access Inclusion Conference that had 430 participants. <u>EdExcellence</u> A Professional development project funded by the TDOE and managed out of the University of TN – serves East and Middle TN Partnerships as follows: FFY08 provided ongoing professional development to educators with site based inservice for 10 days and a total of 370 hours in 6 LEAs. Provided 10 two day workshops on positive behavior supports (PBS) for a total of 140 hours. Staff presented at 4 different Conferences on inclusion and school wide positive behavior supports. Continuing technical assistance was provided to 19 schools across 3 school districts. The focus of this technical assistance was primarily school wide positive

	behavior supports. Finally, on-site visits, other contacts, and workshop person hours in 3 LEAs included: 210 hours in visits , 405 other contacts, and 1848 workshop person hours. All of these centered on School Wide Positive Behavior Supports. Progress made. Continue activities.

Continue "Response to Intervention" initiatives	TDOE provides a District RTI Action Plan template as a guide for LEAs to submit RTI plans for State approval. 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. TN SIG Grant coordinated with 19 additional districts in all three regions to provide professional development on multi tiered instruction for reading/literacy as indicated below: Education consultants provided Professional Development to 30+ schools in the area of differentiated instruction, best practices in reading/literacy and Response to Intervention implementation. Targeted grades were: Pre-K-high school Continued to disseminate "Literacy for All" Special Education and Typically Developing Students, Schools, and Families" to school districts; It was also accessible online. "RTI: The Story of 3 Tennessee Schools" DVD continued to be disseminated among school districts and accessed online. For 08-09 scaled up the Professional Development to key leaders at the district level in 15 additional schools using a "Train the Trainer" model . 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. Progress made. Continue activity.
SIG Grant Coordinating with Reading First schools to provide professional development on multi tiered instruction for reading/literacy	*Reading First* schools and non *Reading First (k-3)* schools were provided professional development on differentiated instruction, best practices in reading/literacy, and Response to Intervention implementation 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. Progress made. Continue activity.
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	During FFY08, the education budget for the Voluntary Pre-K program was 83 million dollars and more than 18,000 children were served.

on LRE at age 6.	Progress made. Continue activity.
State Special Schools to provide programs and services to LEAs to promote best practices for inclusionary classrooms through statewide workshops and outreach services.	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 better the inclusion process in the regular classroom setting. An enrichment program is offered to approximately 60 students in the summer for training of 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 training 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 though out the state of TN. 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 done. The West TN School for the Deaf delivers school based workshops and in-service to educational tam members in LEAs serving deaf/hard of hearing children who are mainstreamed. The school counselor provides periodic follow up and plan effectiveness assessment 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. Progress made. Continue activity.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for Section A in the FFY08:

Activities	Timeline	Resources
None		

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	*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%.*

Actual Target Data for FFY08:

NOT required for FFY08

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *FFY08*:

NOT required for FFY08

Improvement Activities	Discussion of Improvement Activities completed and progress or slippage that occurred for FFY08
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 Improvement plans may be written and monitored LEAs meeting the target may be recognized at the annual State Special Education Supervisors' Conference East, West, and Middle TN Preschool Consultants will provide training with the Special Education Office of Monitoring and Compliance to explain "federally-defined" settings.	
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. Request regularly scheduled meetings with the TDOE Gen Ed Office of Early Learning and the Sp Ed Office of Early Childhood Preschool Department TDOE Gen Ed Office of Early Learning will be invited to all Sp Ed early childhood initiatives and meetings TA provided by Sp Ed Preschool Consultants with Gen Ed Early Learning Consultants as needed Sp Ed Preschool representative will serve on the Gen Ed Voluntary Pre-K Advisory Council	
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	
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.	
Data verification to include: • 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 FFY08:

Proposed Targets	Improvement Activities	Timelines	Resources
None			

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Since this is a new indicator, initial information has been placed in the State Performance Plan (SPP).

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 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))

Measurement:

Outcomes:

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.

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 (# 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 (# 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 (# 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 comparable to same-aged peers) divided by (# 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 (# 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.

FFY	Measurable and Rigorous Target
FFY08	*Targets will be set in 2010*

Actual Target Data for FFY08:

Progress data reported in 2010 will be considered baseline data.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY08:

Not required for this APR.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:
[If applicable]

None

Part B State Annual Performance Report (APR) for *FFY08*

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
FFY08	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 94%

Actual Target Data for FFY08:

During FFY08 school year, the *Parent Survey* (attached) was administered to all parents of students with disabilities ages 3 through 21 in 35 LEAs selected by sampling by the Division of Special Education. The State's three largest LEAs participate in this survey each year. In FFY08 a total of 25,519 surveys were distributed to parents. There were 3,913 survey responses with usable data for a response rate of 15.3% (3,913 / 25,519). Item one on the survey queried parents regarding schools facilitation of parent involvement. Of the 3,847 parents responding to item one, 3,483 or 89.4% agreed with the item (3,483 / 3,847). The state target of 94% was not met

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY08:

In addition to securing parent information for improving parent involvement, TDOE is interested in gathering parent survey administration information to inform cost effectiveness *and* achieve respondent representation. In an effort to explore cost effective administration of the annual parent survey TDOE worked with a contractor, East Tennessee State University (ETSU), to administer the survey while simultaneously gathering initial data on how parents received their *Parent Survey*. Four different methods of soliciting parent surveys were used. These were:

1. <u>Direct Email</u> 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. Parents who wished could print, complete, and return a hard copy of the survey by mail.)

2. <u>Direct Mail</u> Parents were mailed, directly via USPS, a paper survey with a postage paid envelope and letter explaining the survey. (The accompanying letter from the state provided parents a URL to alternatively complete the survey online.)

3. Mail to Special Education Director Special Education Directors were mailed quantities of the paper surveys, postage paid envelopes, and letters to parents explaining the survey and directors were asked to disseminate the surveys to the selected schools/ classrooms so students could take it home to parents. (The accompanying letter from the state provided parents a URL to alternatively complete the survey online.)

4. Mail to School Principal School principals were mailed quantities of the paper surveys, postage paid envelopes, and letters to parents explaining the survey and principals were asked to disseminate the surveys to students to be taken home to parents. (The accompanying letter from the state provided parents a URL to alternatively complete the survey online.)

In all instances where a parental email was available through the state data system, parents were assigned the Direct Email method. Districts and schools within districts were quasi-randomly assigned to one of the three remaining methods (parents within those schools/districts already assigned to the Direct Email method were excluded). The three large districts of the state, each with more than 50,000 students, were assigned methods 2, 3, or 4.

Dissemination Method	Useable Responses	Total Disseminated	Response Rate	
1. Direct Email	330	1,281	25.8%	
2. Direct Mail	994	8,473	11.7%	
3. Mail to Special Education Director	1,524	9,945	15.3%	
4. Mail to School Principal	1,065	5,820	18.3%	
Statewide Response Rate	**3,913**	**25,519**	**15.3%**	

In FFY07 TDOE achieved a response rate of 28.2% compared to the FFY08 overall response rate of 15.3%. Despite the variance in survey administration from the previous year, no single reason for this slippage is known. The one completely new methodology in FFY08 was the direct email method—a method that generated the best response rate in FFY08. A potential concern based on information from previous years, was just how long it might be taking local education staff to disseminate the survey instrument to parents. In FFY08 the direct mail method expedited delivery to parents—yet this method had the lowest response rate. (In part, this was due to a large number of surveys returned undeliverable, despite the first class postage.)

TDOE was pleased to see the overall response rate of parents sent a direct email invitation was high; nearly as high as last year's response rate. (Email, not a required field in the state's data system, will be encouraged to be populated, when available, to further improve contacting parents in the future.)

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" has a more apparent explanation. As reported in last year's APR improvement activities, the survey instrument itself 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 statement. In FFY08 the response was changed to a scaled (1-6) response. (See attached survey.) FFY08 respondents distributed their level of agreement across the 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 (responses 6-4) divided by the total number of responses to an item. TDOE believes the scaled response provides a more accurate perspective of parent perceptions

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY08
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 some tool such as a newsletter.	LEAs developed and submitted improvement plans in the Fall of 09 following completion of the survey in the spring of 09. Improvement plans were based on survey results. Progress made/continue activity.
Provide criteria for LEA use in interpretation of survey results for generating local improvement plans	Explanation/instructions were sent by memo to all participating LEAs along with accompanying survey results in the Fall of 09. Progress made. Continue activity.
LEA's required to complete improvement activities will submit documentation of completion of those activities to TDOE.	Documentation is submitted within one year of submission of improvement plans. Progress made. Continue activity.
Data improvement activities: 1) TDOE will select a calculation that will allow generating the percent of respondent parents who report that schools facilitated their involvement as a means of improving services and results for children with disabilities. For example: # of parent surveys with majority of survey items marked "agree" divided by # of parent surveys returned. 2) TN will work with LEAs that are selected as part of the indicator 8 sample to correctly provide the data necessary for TDOE to generate the percent of respondents who report that schools facilitate parental involvement as a means of improving services for children with disabilities. 3) TN will work with selected LEAs to correctly provide the data necessary for TDOE to determine the responsiveness of the sample using the NPSO Response Calculator or similar statistic. 4) TN will revise the LEA summary worksheets to clarify the need for timely, accurate, and complete indicator 8 data. TN will follow up with LEAs in a timely fashion when	1) Completed on a statewide as well as LEA by LEA basis. See reply below. 2) Utilized a contract consultant and contracted with a University to complete this activity. Data collection was more accurate with a contract consultant heading survey implementation. 3) The NPSO calculator was utilized to analyze/identify demographic characteristics of respondents. 4) Completed. Electronic submissions as well as centralized data entry of survey results by the contracted IHE provided for more timeliness, accuracy, and completeness of survey results. Follow ups were performed as needed. Progress made. Discontinue Activity. All this section incorporated as policy.

data are missing or other issues arise with local data.	

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
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.	09-10 school year and ongoing	ETSU Contract and LEA Staff
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.)	09-10 school year and ongoing	ETSU Contract and LEA Staff
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.	09-10 school year and ongoing	TDOE and LEA Staff

Response to FFY07 OSEP Table Comments:

In the FFY 2008 APR, due February 1, 2010, the State must continue to indicate whether its response group is representative of the State's population.

The table below provides summary representativeness data on all FFY08 *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 (-8.57%) as were parents of children with learning disabilities (-5.7%). Parents of students from all other (non listed) disability groups were over represented in the respondents (5.2%).

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). In any one year, it is not necessarily reflective of the state population of parents of students with disabilities as a whole.

	Overall	LD	ED	MR	AO	Female	Minority
Target Parent Totals	25,519	9,012	831	1,782	13,894	8,195	8,108
Response Totals	3,913	1,159	113	307	2,334	1,321	908
Target Parent Representation		35.31%	3.26%	6.98%	54.45%	32.11%	31.77%

Respondent Representation		29.62%	2.89%	7.85%	59.65%	33.76%	23.20%
Difference		-5.70%	-0.37%	0.86%	5.20%	1.65%	-8.57%

Parent Survey 2008-09

CIRCLE YOUR RESPONSE TO EACH QUESTION
6-Very Strongly Agree, 5-Strongly Agree, 4-Agree, 3-Disagree, 2-Strongly Disagree, or 1-Very Strongly Disagree

1. The school system facilitates parent involvement as a means of improving services and results for children with disabilities.....6 5 4 3 2 1
2. At the IEP meeting, we discussed how my child would participate in statewide assessments. ……..…… …….....6 5 4 3 2 1
3. At the IEP meeting, we discussed accommodations and modifications that my child would need 6 5 4 3 2 1
4. My child's evaluation report is written in terms I understand.....6 5 4 3 2 1
5. Teachers and administrators ensure that I have fully understood the Procedural Safeguards(the rules in federal law that protect the rights of parents).....6 5 4 3 2 1
6. The school communicates regularly with me regarding my child's progress on IEP goals.....6 5 4 3 2 1
7. The school offers parents training about special education issues 6 5 4 3 2 1
8. School provides information on agencies that can assist my child in the transition from school.....6 5 4 3 2 1
9. The school explains what options parents have if they disagree with a decision of the school.....6 5 4 3 2 1
10. My Child's IEP tells how progress towards goals will be measured.....6 5 4 3 2 1
11. My child is taught in regular classes, with supports, to the maximum extent appropriate.....6 5 4 3 2 1
12. Special education teachers make accommodations and modifications are indicated on my child's IEP.....6 5 4 3 2 1
13. General education teachers' accommodations and modifications are indicated on my child's IEP.....6 5 4 3 2 1
14. General education and special education teachers work together to assure that my child's IEP is being implemented.....6 5 4 3 2 1
15. The principal does everything possible to support appropriate special education services in the school.....6 5 4 3 2 1
16. The school provides my child with all the services documented on my child's IEP 6 5 4 3 2 1
17. The school offers students without disabilities and their families, opportunities to learn about students with disabilities.....6 5 4 3 2 1
18. The school ensures that after-school and extracurricular activities are accessible to students with disabilities.....6 5 4 3 2 1
19. Over the past year, special education services have helped me and/or my family to understand how the special education system works.....6 5 4 3 2 1
20. Over the past year, special education services have helped me and/or my family to understand my child's special needs.....6 5 4 3 2 1
21. I ask my child to talk about what he or she is learning in school.....6 5 4 3 2 1
22. I communicate to my child that it is important to do well in.....6 5 4 3 2 1
23. I meet with my child's teacher(s) to plan my child's program services.....6 5 4 3 2 1
24. I participate in school sponsored activities.....6 5 4 3 2 1

25. I participate in the school's PTA (Parent Teacher Association) or PTO (Parent Teacher Organization).....6 5 4 3 2 1

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality

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) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target
FFY08	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 FFY08 will be 0%.

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 FFY08 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".

   If districts met the above criteria they were determined to have an "overrepresentation" of students receiving special education and related services in the race/ethnicity sub-group examined.

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";sub-group

   If districts met the above criteria they were determined to have an 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 ≤ 5% with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if warranted, received a focus 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 ≤ 5% with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if indicated, received a focus monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Actual Target Data for FFY08

In FFY08 three districts were found to have disproportionate representation based on their data. However, upon review these three districts were not found to be disproportionate based on inappropriate identification, as described below (see Table 1 below.) Therefore, in FFY08 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 *as a result of inappropriate identification*. This results in zero percent [(0/136) x 100 = 0%] of Tennessee's districts identified as having disproportionate representation of racial and ethnic groups in special education and related services *that is the result of inappropriate identification*.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY08:

All three districts identified with statistical Disproportionate Overrepresentation and/or Underrepresentation for FFY08, 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 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. Additionally, if any of these districts had been determined to have disproportionate over- or underrepresentation as the result of inappropriate identification, they would have been 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* and other documents developed for disproportionality are on the web at http://tennessee.gov/education/speced/seassessment.shtml#disp.

Indicator 9: FFY08 District Count of Disproportionate Representation of Students Receiving Special Education and Related Services by Racial/Ethnic Group from data review and desk audit		
	Over	**Under**
American Indian	**0**	**0**
Asian/Pacific Islander	**0**	**0**
Black (not Hispanic)	**0**	**0**
Hispanic	**0**	**1**
White (not Hispanic)	**2**	**0**

In FFY08 three (3) districts were identified with disproportionate over- and underrepresentation. All data for the identification of disproportionate representation is posted on the special education assessment web page (http://tennessee.gov/education/speced/seassessment.shtml#disp) in the following documents:

- *Summary Data FFY2008 - Disproportionate Overrepresentation Summary Data*
- *Summary Data FFY2008 - Disproportionate Underrepresentation Summary Data*

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

Based on the criteria for disproportionate over- and underrepresentation, each of these 3 districts were 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 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. In the 2008-2009 school year the content of the *TnREpppSA* was expanded to include 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 ratings for the three districts identified with disproportionate representation in special education and related services ranged from 3.17 to 3.50.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY08
Expand current guidelines and develop a "best practices" document for the child find, referral and assessment of culturally and linguistically diverse learners (CLD), including English Language Learners (ELL), for eligibility in special education to include: • child find/screening guidelines, • unbiased and culturally-fair assessment practices, and • guidelines to determine the differentiation of normal second language acquisition and lack of progress due to a disability.	The Special Education Manual (SEM) was revised in the fall of 2008 and statewide training was provided to school districts. Appendix C in this Manual – Assessment Guidelines For English Language Learners – describes best practices and guidelines to follow when a student with a second language has been referred for an evaluation. This information is in addition to the section on the web with current question and answer documents, assessment guidelines, and a power point presentation providing guidance for the assessment and eligibility of English Language Learners for Special Education posted to the web in the 2007-2008 school year at http://state.tn.us/education/speced/seassessment.shtml#ESL. The 2008 Special Education Manual is located at http://state.tn.us/education/speced/tools.shtml#guidebooks. Activity complete. . Discontinue activity.
Provide Responsiveness to Intervention (RTI) Training of systematic instruction to determine need for special education services.	State Improvement Grant (SIG) consultants provide ongoing professional development for school districts statewide. SIG consultants present at regional and statewide conferences to disseminate RTI information to school district leaders. Products developed by the TN State Improvement Grant are available for download at no charge on the State's SIG web site at http://sig.cls.utk.edu/resources_teacher_pd.html#tsig Progress made. Continue activity.
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 from the previous school year (2007-2008) and were posted on the Special Education website at http://state.tn.us/education/speced/DisproportionalityArchive.shtml for use by districts when conducting self-assessments in FFY 2008. These documents can be found under the heading of 2007-2008 Disproportionality Overrepresentation Self-Assessments and Underrepresentation Self-Assessments. Progress made. Continue activity.
Provide technical assistance to districts that have been identified with potential and significant disproportionate representation. Include resources from NCCRESt (National Center for Culturally-Responsive Education Systems) and NIUSI (National Institute for Urban Schools Improvement).	The State provided to school districts with disproportionate representation State and National resources pertinent to decreasing disproportionality. These resources included the internet locations of resources developed by NCCRESt and NIUSI. Memphis City Schools are currently in a contract with NIUSI and continue to progress in decreasing disproportionality of students identified with Mental Retardation and Autism. Progress made. Discontinue 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 receiving special education and related services 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 receiving special education and related services 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/assessment.shtml#disp. There are two documents with details of this process: • FFY 2008 Chart for Disproportionate Over and Under Representation • 2009 Process Description - Disproportionate Representation Activity completed. Discontinue activity.
Support training in School-Wide Positive Behavior Supports (SWPBS) of systematic interventions needed to reduce the identification of behavior-related disabilities.	Statewide support has continued with EdExcellence Contract and with the West Tennessee RISE Project. The range and scope of SWPBS training conducted by EdExcellence can be found online at http://web.utk.edu/~edex/lreinfo.htm. The Rise Project's focus on inclusionary practices in conjunction with SWPBS is reviewed online at https://umdrive.memphis.edu/g-coe-rise/. Progress made. Continue activity.

Revisions, with Justification, to Proposed Targets/Improvement activities/Timelines/Resources for 2008-2009:

Improvement Activities	Timelines	Resources
None		

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Monitoring Priority: Disproportionality

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.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

FFY	Measurable and Rigorous Target	
FFY008	**2008** **(2008-2009)**	The percent of school districts with disproportionate representation of racial and ethnic groups that is the result of inappropriate identification of students with Autism, Emotional Disturbance, Mental Retardation, Other Health Impairment, Specific Learning Disabilities, and Speech/Language Impairments in FFY08 will be 0%.

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 FFY08 data the following methodology was employed in calculating and examining data for disproportionate over- and underrepresentation if a district had disproportionate representation within the six identified high incidence disabilities.

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 examined.

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 ≤ 5% with a N Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if warranted, received a focus 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 ≤ 5% with a N

Count for that sub-group of ≥ 50 received a Compliance Desk Audit and, if indicated, received a focus monitoring to determine if the disproportionate representation was the result of inappropriate identification.

Actual Target Data for FFY08

In FFY08, 25 districts were found to have disproportionate over- and or under-representation based on their data alone. However upon review, these 25 districts were not found to be disproportionate based on inappropriate identification. (See table below.) Therefore, in FFY08 the examination of disproportionate representation data resulted in 0 of Tennessee's 136 districts determined to have disproportionate representation of racial and ethnic groups in specific disability categories as a result of inappropriate identification or [(0/136) x 100 = 0%].

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for *FFY08*:

All 25 districts identified with Disproportionate Overrepresentation and/or Underrepresentation for FFY08, 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 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. Additionally, if any of these districts had been determined to have disproportionate over- or underrepresentation as the result of inappropriate identification, they would have been 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* and other documents developed for disproportionality are on the web at http://tennessee.gov/education/speced/seassessment.shtml#disp.

Indicator 10: FFY08 District Count of Disproportionate Representation For High-Incidence Disabilities by Racial/Ethnic Group from data review and desk audit												
	AUT		EMD		MR		OHI		SLD		SLI	
	Over	Under	Over	Under	Over	Under	Over	Under	Over	Under	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	0	0	0	0	0
Black (not Hispanic)	0	1	1	0	3	0	0	0	1	0	0	1
Hispanic	0	1	0	3	0	2	0	10	0	2	0	2
White (not Hispanic)	1	0	0	0	0	1	1	1	1	0	2	0

In FFY08 twenty-five (25) districts were identified with disproportionate over- and under-representation in thirty-four (34) disability categories. All data for the identification of disproportionate representation is posted on the special education assessment web page (http://tennessee.gov/education/speced/seassessment.shtml#disp) in the following documents:

- *Summary Data FFY2008 - Disproportionate Overrepresentation Summary Data*
- *Summary Data FFY2008 - Disproportionate Underrepresentation Summary Data*

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

Based on the criteria for disproportionate over- and underrepresentation, each of these 25 districts were 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 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. In the 2008-2009 school year the content of the *TnREpppSA* was expanded to

include 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 ratings for the 25 districts identified with disproportionate representation in special education and related services ranged from 3.00 to 4.00.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred for FFY07
Expand current guidelines and develop a "best practices" document for the child find, referral, and assessment of culturally and linguistically diverse learners (CLD), including English Language Learners (ELL), for eligibility in special education to include: • child find/screening guidelines, • unbiased and culturally-fair assessment practices, and • guidelines to determine the differentiation of normal second language acquisition and lack of progress due to a disability.	The Special Education Manual (SEM) was revised in the fall of 2008 and statewide training was provided to school districts. Appendix C in this Manual – Assessment Guidelines For English Language Learners – describes best practices and guidelines to follow when a student with a second language has been referred for an evaluation. This information is in addition to the section on the web with current question and answer documents, assessment guidelines, and a power point presentation providing guidance for the assessment and eligibility of English Language Learners for Special Education posted to the web in the 2007-2008 school year at http://state.tn.us/education/speced/seassessment.shtml#ESL. The 2008 Special Education Manual is located at http://state.tn.us/education/speced/tools.shtml#guidebooks. Activity complete.. Discontinue activity.
Provide Responsiveness to Intervention (RTI) Training of systematic instruction to determine need for special education services.	Products developed by the TN State Improvement Grant are available for download at no charge on the State's SIG web site at http://sig.cls.utk.edu/resources_teacher_pd.html#tsig Progress made. Continue activity.
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 from the previous school year (2007-2008) and were posted on the Special Education website at http://state.tn.us/education/speced/DisproportionalityArchive.shtml for use by districts when conducting self-assessments in FFY 2008. These documents can be found under the heading of 2007-2008 Disproportionality Overrepresentation Self-Assessments and Underrepresentation Self-Assessments. Progress made. Continue activity.
Provide technical assistance to districts that have been identified with potential and significant disproportionate representation. Include resources from NCCRESt (National Center for Culturally-Responsive Education Systems) and NIUSI (National Institute for Urban Schools Improvement).	The State provided to school districts with disproportionate representation State and National resources pertinent to decreasing disproportionality. These resources included the internet locations of resources developed by NCCRESt and NIUSI. Memphis City Schools are currently in a contract with NIUSI and continue to progress in decreasing disproportionality of students identified with Mental Retardation and Autism. Progress made. Discontinue activity.
Complete revisions to the definition and methodology used in the collection of districts' annual enrollment and census data to	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

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.	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/assessment.shtml#disp. There are two documents with details of this process: • FFY 2008 Chart for Disproportionate Over and Under Representation • 2009 Process Description - Disproportionate Representation Activity completed. Continue activity.
Support training in School-Wide Positive Behavior Supports (SWPBS) of systematic interventions needed to reduce behavior-related disability identification such as Emotional Disturbance and Other Health Impairment (ADHD).	Statewide support has continued with EdExcellence (currently known as Connections for Educational OUTreach) contract and with the West Tennessee RISE Project. The range and scope of SWPBS training conducted by EdExcellence (Connections for Education OUTreach) can be found online at http://web.utk.edu/~swpbs/. The Rise Project's focus on inclusionary practices in conjunction with SWPBS is reviewed online at https://umdrive.memphis.edu/g-coe-rise/. Progress made. Continue activity.

Revisions, with Justification, to Proposed Targets/Improvement activities/Timelines/Resources for 2008—2009:

Improvement Activities	Timelines	Resources
None		

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	100% of the children with parental consent to evaluate will be evaluated and eligibility determined within the state established timeline of 40 school days.

Actual Target Data for FFY08:

Percent of children with parental consent to evaluate, who were evaluated within 40 school days

96.0% = (17,829 / 18,573) X 100

Method Used to Collect Data TDOE provided all LEAs a method to collect data for tracking the 40 school day timeline for initial evaluations. This method was a *40 School Day Tracking Log* for collecting:

- Name of Student,
- Date Written Parental Consent Received,
- Date of Eligibility Meeting, Determination of Eligible or Ineligible,
- 40 School Days Met-Yes/No,
- Range of Days Over the 40 School Day Timeline, and
- Reasons for the Delay

All 136 LEAs compiled their data and reported these data to the TDOE in an *Initial Evaluation Summary Report*. District summary reports included:

- Total number of students for whom parental consent to evaluate was received,
- Total number of students determined eligible within 40 school days,

- Total number of students determined ineligible within 40 school days,
- Total number of students whose determination of eligibility or ineligibility was determined over 40 school days,
- The range of days over the 40 school days, and
- Both open ended and fixed reasons for delays.

LEA data were transferred to an Excel spread sheet for calculations and analysis.

Total number of children for whom parental consent to evaluate was received	**18,920**
Number of children removed from above for Approved and Acceptable Delays of: Parental Delays, Approved TDOE extensions, and District to District Transfers.	**347**
a. Modified total number of children for whom parental consent to evaluate was received ***and*** expected to be completed within the State's timelines.	**18,573**
b. Number of children whose evaluations were completed within 40 school days	**17,829**
Percent of children with parental consent to evaluate, who were evaluated within 40 school days Percent = (17,829 / 18,573) X 100	**96.0%**

Account for children included in (a) but not included in (b):

There were 744 children with initial eligibility determinations exceeded 40 school days and the delays were not unapproved or acceptable. Another 347 children had initial eligibility determinations exceeding 40 school days however those delays were approved or considered acceptable. The table below provides details on the reasons for delay for all 1,091 children with approved and unapproved reasons for delay.

Delays that were ***TDE approved*** based on written requests to TDOE for Evaluation, Eligibility, Placement (EEP) Timeline Extension Request (Approved delays)	112
Delays attributable where Parent Repeatedly Failed or Refused to Produce the Child for Evaluation. (Acceptable delays)	212
Delays due to students transferring into district prior to completion of initial eligibility determination. Parent and LEA agreed to a new date for completion and district made/ making sufficient progress toward completion (Acceptable delays)	23
"Other" reasons for delay. (Unapproved delays)	744
Total number initial eligibility with delays	1,091

Range of Days Beyond Timeline

The range of days beyond the timeline was between 1 and 130 days. Of the 136 districts reporting data:

- 60 districts reported no delays
- 21 districts reported delays of up to 9 days
- 21 districts reported delays of up to 19 days
- 19 districts reported delays of up to 45 days
- 10 districts reported delays of up to 99 days
- 5 districts reported delays of up to 130 days

Discussion of Improvement activities and explanation of progress or slippage that occurred for FFY08:

For FFY08 TN did not meet the 100% target. However 96.0% is an increase of almost 6 percentage points from FFY07. In part, this progress is attributed to a more robust data collection form, accompanying instructions, and trainings that consistently communicated the importance of these data and the collection. Training to LEAs was provided at the Annual Special Education State Conference, regional orientation meetings, district specific technical assistance, and as needed to new supervisors and other personnel.

The TDOE recognizes the improvements many districts have made in an effort to provide timely evaluation determinations. However, the TDOE further investigated these data by drilling down to the LEA level and found some LEA districts still underperforming the state target. (See table below.) Those districts that reported less than 95% of referrals completed within 40 school days, were required to address their efforts through attendance at a Technical Assistance training or a Corrective Action Plan, which included a review of policies, procedures and practices.

# Districts	% Determinations within 40 School Days
65	100%
38	95% - <100%
17	90% - <95%
14	<90%
2	Had no referrals
136 Districts	

In FFY08 TDOE recognized that further improvements to the data collection system would more effectively capture these data but potentially more importantly provide a mechanism to proactively alert users to upcoming deadlines ***before*** they occur. This could effectively decrease the time to eligibility determination and have fewer students with delayed determinations. At the same time improving the data collection would improve capturing “other” reasons for delay (both approved and unapproved delays). Therefore, in FFY08 TDOE began working on (and continued work in early FFY09) with their contractor to improve the collection of these data during FFY09 by moving the collection of eligibility determination data entirely into the TDOE student level special education data system.

As part of this effort towards the student level data system solution (away from the aggregate collection form), the hundreds of written delays were gathered for FFY08 and categorized into 11 reasons for delay. These reasons are being built into the data system and are shown below. Reasons with an asterisk will be allowable exceptions for delay in the updated data system.

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)

Finally, due to the improvements in the data system, a decision was made that beginning in FFY2009 the State will no longer grant TDE approved extension requests.

Together these improvement activities should contribute to further improvements in timely eligibility determinations for TN students referred to special education.

Improvement Activities	Discussion of Improvement Activities and Explanation of Progress or Slippage that Occurred.
Training of LEAs on components of the evaluation/eligibility process and timelines for completion	Training to LEAs was provided at the Annual Special Education State Conference, regional orientation meetings, district specific technical assistance, and on an individual basis to new supervisors and other personnel, as appropriate. Evidence of significance of trainings was found in the Statewide progress from 90.2% in FFY07 to 96% in FFY08, for students meeting the 40 School Day Timeline. Note: trainings will be provided/required as improvement needs are identified through future monitoring findings or local determination reviews. Progress made. Continue activity.
Provide all LEAs with a uniform means of collecting timeline data for (i.e. a log within the state automated IEP system) in order to ensure that collection is consistent across the state. The data collected will include the number of children for whom parental consent to evaluate is received as well as numbers of eligible and non-eligible students within required timelines. Also included will be those for whom consent was received but whose evaluations were not completed within required timelines and reasons for any delays. This system will enable the TDOE and LEAs to better determine non-compliance at the student level.	This system was provided and data collected in 08-09. The results of that collection are reported above. Progress made. Discontinue activity.

Revisions with Justifications to Proposed Targets/Improvement Activities/Timelines/Resources for FFY08:

Activities	Timeline	Resources
Provided LEAs with a means of collecting timelines data and reasons for delay through the State Level Data Collection System (EasyIEP)	09-10 School year and ongoing	State and State Contracted Staff

Per FFY07 Response Table Comments

The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.

The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).

If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.

Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance):
Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 90.2 %

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	**9**
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	**9**
3. Number of FFY 2007 findings not verified as corrected within one year [(1) minus (2)]	**0**

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	**0**
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	**0**
6. Number of FFY 2007 findings not verified as corrected [(4) minus (5)]	**0**

Actions Taken if Noncompliance Not Corrected: NOT 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.

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: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02.

1) Correct implementation of regulatory requirements was determined by on-site interviews of school staff and through review of content of student records.
2) All children with evaluation and eligibility determinations in excess of 40 school days, had them completed within 153 days of identification or sooner. (in FFY2007 the maximum time for completing eligibility determination was 153 calendar days, inclusive of the allowable 40 schooldays. In FFY2008 the maximum time for completing eligibility determination was 130 calendar days.)

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

Statement from the Response Table	State's Response
NOT APPLICABLE	

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 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.

(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.

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)] times 100.

95% = [(1073) divided by (1504 – 218 - 160)] times 100.

Range of days late
A. 1 - 30 days late = 32
B. 31 - 60 days late = 10
C. 61-90 days late = 5
D. Over 90 days late = 6

FFY	Measurable and Rigorous Target
FFY08	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. 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 explained. Reasons for delay of eligibility for Part B will be explained. 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. 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.

Actual Target Data for FFY08:

a. 1504 # of children who have been served in Part C and referred to Part B for eligibility determination.

b. 218 # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.

c. 1073 # of those found eligible who have an IEP developed and implemented by their third birthdays

d. 160 # 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.

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)] times 100.

95% = [(1073) divided by (1504 – 218 - 160)] times 100.

Range of Days beyond the third birthday when eligibility was determined and the IEP developed.

A. 1 – 30 days late = 32
B. 31-60 days late = 10
C. 61-90 days late = 5
D. Over 90 days late = 6

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

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

95% 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. This represents continued progress from the previous fiscal year's performance of 84.7%, and represents progress from the 2006-2007 year performance of 47.10%. In addition, this year compliance monitors followed up with LEAs that were not

compliant on this indicator. State required trainings occurred at supervisors' meetings and the annual state conference.

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 2008-2009 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.

Per FFY07 Response Table Comments

The State must demonstrate in the FFY2008 due February 1, 2010, that the State is in compliance with the requirements in 34 CFR 300.124 (b) including correction of the noncompliance the State reported under this indicator in the FFY07 APR. The State must report , in its FFY2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in FFY 2007 APR: 1) is correctly implementing the specific regulatory requirements; and 2) has developed and implemented the IEP although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.

FFY07 Data

750 # of children who have been served in Part C and referred to Part B for eligibility determination.

85 # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.

471 # of those found eligible who have an IEP developed and implemented by their third birthdays

109 # of children for whom parent refusal to provide consent caused delays in evaluation or initial services.

750 - (85+471+109) = 85

There were 85 findings of noncompliance identified in FFY2007 which were corrected within one year of identification. Each LEA is correctly implementing regulatory requirements and has developed and implemented all required IEPs that were identified as late.

Improvement Activities	Discussion of Improvement Activities Completed and Progress or Slippage that Occurred
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 completion will be maintained and monitored.	Module is designed and currently in use.
Continue to update as needed and provide "Paving the Way for Successful Transitions" training modules for improved transition processes	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. 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. Progress made. Continue activity.
Identify and log transition issues from phone calls, parents, and compliance consultants.	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. These actions have been incorporated into daily operations, discontinue as an improvement activity Progress made. Discontinue activity.
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).	The tracking and data sharing procedure was tested June 2009 and implemented August 2009. Data sharing of transition components occurs monthly. Continue activity with state personnel, consult local users as needed. Progress made. Continue activity.
Ensure that the Tennessee EasyIEP statewide electronic data system development includes: Students served in Part C Students referred to Part B Students determined not eligible for Part B Students determined eligible with development and implementation of IEP date. Field indicating range of days beyond third birthday Field indicating reasons for delay	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. 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. Progress made. Continue activity.
As a result of LEA monitoring: Provide technical assistance to LEAs based on information identified through annual data review Provide training in LEAs where noncompliance issues are found; these issues and the specific training required are documented in Corrective Action Plans (CAP)	"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. 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. Progress made. Continue activity.
Provide TA to individual families as needed.	Integrated with daily operations. Progress made. Discontinue as improvement

	activity.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2008-2009:

No revisions are warranted at this time. 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.

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	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 Data for *FFY08*:

Not required for FFY08

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for *FFY08*:

Not required for FFY08

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for *FFY08:*

None for FFY08

Response to FFY07 OSEP Table Comments:

The state must report in its FFY 2008 APR, due February 1, 2010, that it has verified that each LEA with noncompliance reported by the state under this indicator in the FFY 2007 APR: 1)is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each youth unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.

Below is a table that reports on the correction of non-compliance reported in FFY07 (94 of 188 plans). The State has verified that the LEAs (1) correctly implemented the regulatory requirements and (2) have developed IEPs that include required transition content for each youth, unless the youth is no longer within the jurisdiction of the LEA.

Indicator 13

Individually Resolved Deficiencies

2007-08

	Corrected within 365 days	Corrected, not within 365 days (range of days over)	Exited prior to completion of correction period (365 days)	Total
In-school	12	14		26
Graduated with Regular Diploma	12	3	20	35
Special Education Certificate	4	1	3	8
Youth no longer in jurisdiction of LEA			11	11
Parent Withdrawal			1	1
Reached Maximum Age		1		1
Dropped out			1	1
Total	28	19	36	83

Process used: A review of the IEP's for the students represented in the 94 instances of non-compliance was instituted. 11 students who were gifted or functionally delayed were excluded from the follow up since these are not Federal IDEA disability categories. A total of 83 records were deemed eligible for follow-up. 36 of those 83 students exited prior to the 365 day correction window leaving 47 students who had IEPs that could have been corrected with 365 days.

Of the remaining 47 student records, the Middle/West Tennessee Transition Coordinator reviewed each student's on-line record in Easy IEP to determine if corrections were made. In 28 (60%) of the records, corrections were made in timely manner. In an additional 19 (40%) records, corrections were made after the 365 day time allowance.

TDOE assures that it has verified that LEAs with noncompliance identified in FFY07 are correctly implementing specific regulatory requirements in 34 CFR 300.320.(b) consistent with OSEP memorandum 09-02, dated October 17, 2008. This being determined by the subsequent review of updated data through the State's data collection system.

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
FFY08	The number/percent of exiting students competitively employed or enrolled in some type of post secondary schooling or both will increase, stay the same, or decrease no more than 5% when compared to previous year's results.

Actual Target Data for FFY08:

Not required for FFY08

Discussion of Improvement Activities Completed <u>and</u> Explanation of Progress or Slippage that occurred for FFY08**:**

Not required for FFY08

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / resources for *FFY08: [If applicable]*

None for FFY08

Part B State Annual Performance Report (APR) for FFY08

Overview of the Annual Performance Report Development:

Monitoring Priority: 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:

a. # of findings of noncompliance.
b. # 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
FFY08	100% of the findings identified during the FFY07 will be corrected within one year or less.

Actual Target Data for FFY08:

In FFY07 the TDOE reviewed 810 student files as part of its cyclical onsite monitoring process. Using TDOE's compliance monitoring file review protocol, TDOE monitors identified 2337 instances of noncompliance within these 810 files. However, the data collection tools employed in FFY07 did not collect all the data necessary to track the timely correction of noncompliance at the student level. For example, in most cases a tally sheet was used to aggregate student level information at the district level by file review protocol item. Incidents 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 FFY07. Even though TDOE did not verify the correction of all individual student noncompliance, districts were required to make corrections. The exception to this method of data collection in FFY07 is in Indicators 12 and 13. Noncompliance data in the B-15 Worksheet for these two indicators is reported at the individual student level.

Tennessee did not meet the Measurable and Rigorous Target of 100% correction for noncompliance within one year for Indicator 15. The percent of noncompliance corrected within 365 days was 89%.

Revisions to TDOE Compliance Monitoring
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 took effective beginning in the 2009-2010 school year (FFY09). To demonstrate the effectiveness of these revisions to the compliance monitoring data and the collection processes, TDOE has provided updates in both this APR and the SPP. (See Revisions Made in the LEA Cyclical Monitoring Fully Implemented in the 2009-2010 School Year [FFY 2009].)

Although Tennessee did not implement sufficient tracking and verification of correction of individual student noncompliance in FFY07 (except for B-12 and B-13), districts were required to make corrections and all districts reported to TDOE on their correction of all noncompliance. Each district with noncompliance was notified in writing and provided a report where noncompliance was identified. Each district was required to address 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 was corrected and corrections were made within 365 days from identification with the exception of B-13.

It is important to note that the data in the Part B Indicator 15 Worksheet are reported at the district level and are disaggregated by indicator. The exceptions are compliance indicators B-12 and B-13. Due to alternative methods of collecting and verifying the correction of B-12 and B-13 instances of student level noncompliance, TDOE is able to report accurately on the number of student level instances of noncompliance found in FFY07 and, importantly, verified that most were corrected within one year of identification

There were 19 findings of non-compliance not corrected within 365 days of identification per the attached B-15 Worksheet. This resulted in an 89% compliance level for TDOE. These19 findings, all of which were associated with indicator #13, were verified as corrected by a review of data through the State data collection system. The number of days after the 365 day limit for these corrections ranged from 30 days minimum to 365 days maximum. Delays were attributed to lack of attention by LEA staff to calendar deadlines and lack of understanding/realization that all individual student findings of noncompliance must be corrected. Trainings have been provided by TDOE to address this and improvements have commenced.

Subsequent data review through the state data collection system revealed that LEAs with findings identified in FFY07 are now correctly implementing specific regulatory requirements as outlined in 34 CFR 300.320(b) and OSEP Memo 09-02.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

During FFY08 TDOE focused on secondary transition. A TDOE transition specialist contacted each district about each individual student noncompliance relative to secondary transition, including following up with every district and verifying the correction of noncompliance. Corrections of noncompliance within 365 days of identification improved from 72.7% in FFY06 to 89.1% in FFY07 overall.

The table below provides an update on previous improvement activities followed by the B-15 Worksheet. After these two sections a detailed section on substantial improvements made in FFY 2008 to the compliance monitoring process for implementation in FFY 2009 is provided.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred.
Provide follow-up technical assistance to LEAs/programs based on information identified through on-site monitoring.	Information identified through onsite 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-four LEAs were monitored in FFY07. Corrective Action Plans (CAPs) were written based on needs identified through on-site monitoring and follow-up technical assistance was provided by TDOE in FFY08 based on the requirements of CAPs. Progress made. Continue Activity
Provide instructional sessions at the state and regional conferences and annual orientation for new agency/ program staff.	Three regional orientations were conducted in August 2008 and conference presentations were held in February 2009 as planned. Progress made. Continue activity
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.	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. General information on dispute resolution was provided for new LEA administrative staff during an annual orientation meeting hosted by the SDE in October of 2008. Progress made. Continue activity
Review existing monitoring review system to establish more measurable criteria for generating noncompliance findings. Develop profile by indicator which identifies any area of needed focus technical assistance. Local letters of determination, on selected indicators, will be provided to all LEAs in the State annually with required activities specified for improvement.	These steps are all part of the current monitoring and APR process. See **Revisions Made in the LEA Cyclical Monitoring Fully Implemented in the 2009-2010 School Year (FFY 2009)** below. . Progress made. Activity completed.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Improvement Activity	Timeline	Resources
Provide technical assistance and training to assure appropriate secondary transition goals. Develop monitoring guidelines and verification of noncompliance for in the area of secondary transition.	FFY 2008	TDOE Personnel
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.	FFY 2008, FFY 2009, FFY 2010	TDOE Personnel and Fiscal Resources

PART B INDICATOR 15 WORKSHEET (for FFY 2007 Data Corrected Within One Year)

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(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.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-1 2 B-2 3 B-14 0	B-1 2 B-2 3 B-14 0	B-1 2 B-2 3 B-14 0
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	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

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-3 0 B-7 N/A	B-3 0 B-7 N/A	B-3 0 B-7 N/A
	Dispute Resolution: Complaints, Hearings	B-3 0 B-7 N/A	B-3 0 B-7 N/A	B-3 0 B-7 N/A
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-4A 5	B-4A 5	B-4A 5
	Dispute Resolution: Complaints, Hearings	B-4A 0	B-4A 0	B-4A 0
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 8 B-6 N/A	B-5 8 B-6 N/A	B-5 8 B-6 N/A
	Dispute Resolution: Complaints, Hearings	B-5 0 B-6 N/A	B-5 0 B-6 N/A	B-5 0 B-6 N/A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
7. 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-7 0	B-7 0	B-7 0
	Dispute Resolution: Complaints, Hearings	B-7 0	B-7 0	B-7 0
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-9 0 B-10 0	B-9 0 B-10 0	B-9 0 B-10 0
	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	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-11 9	B-11 9	B-11 9

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	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 TEIDS and State data system***.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-12 33	B-12 85	B-12 85
	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 coordinated, measurable, annual IEP goals and	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	B-13 34	B-13 47	B-13 28

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
transition services that will reasonably enable student to meet the post-secondary goals. **** Note: Findings reported are individual noncompliance tracked through TDOE secondary transition specialist***.	Dispute Resolution: Complaints, Hearings	B-13 0	B-13 0	B-13 0
Other areas of noncompliance: 16. All Dispute Resolutions	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolutions: Complaints and Hearings	B-16 11	Complaints and Hearings 16	Complaints and Hearings 16
Sum the numbers down Column a and Column b			**175**	**156**
Percent of noncompliance corrected within one year of identification = (Column (b) sum divided by column (a) sum) times 100.			**156(b) / 175(a) X 100 =**	**89%**

* In FFY 2007 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-13 noncompliance data were captured and tracked through student on-line records in the State's EasyIEP system.
During FFY08 TDOE focused on secondary transition. A TDOE transition specialist contacted each district about each individual student noncompliance relative to secondary transition, including following up with every district and verifying the correction of noncompliance. Corrections of noncompliance within 365 days of identification improved from 72.7% in FFY06 to 89.1% in FFY07.

A detailed section on the substantial improvements made in FFY 2008 to the compliance monitoring process for implementation in FFY 2009 is found below.

Revisions Made in the LEA Cyclical Monitoring Fully Implemented in the 2009-2010 School Year (FFY 2009)

(TDOE provides this section to demonstrate the improvements to the compliance monitoring data collection and processes. Throughout the first half of the FFY 2009 school year the new monitoring system has been successfully implemented in 22 districts.)

In response to OSEP's FFY 2007 Table:

> *"The State must report in the FFY 2008 APR, due Feb. 1, 2010, if any changes have been made to the draft procedures provided In the State's March 15, 2009 letter, and if the draft procedures have been finalized."*

The State Advisory Council reviewed and approved the revised Compliance Monitoring Procedures in the June 2009 Advisory Council meeting. The draft Compliance Monitoring Procedures were finalized in the spring and summer of 2009 and implemented beginning in the 2009-2010 school year.

Previously TDOE had a "systemic" method for reporting findings of noncompliance and for reporting on the corrections of those "systemic" findings of noncompliance within one year. TDOE developed and converted to a compliance monitoring method, effective with the 2009-2010 school year that a) requires the reporting of all findings of student level noncompliance found during onsite file reviews, b) requires the ongoing tracking of the noncompliance until corrected, c) requires the tracking of the *verification* of student level noncompliance, and d) flags districts and requires they actively engage in improvement activities associated with the correction of noncompliance when found noncompliance is sufficient enough to suggest there may be issue(s) of understanding, policy, and/or procedures that need to be addressed. TDOE engaged the technical assistance of the Mid-South Regional Resource Center as well as SPEDSIS (a special education data company).
This "conversion" included revision of many elements including:

1. Creation of a multileveled Excel spreadsheet for tracking all instances of student and district noncompliance;
2. Complete revision of the monitoring manual outlining steps in the new process and providing policy, process, and necessary forms;
3. A crosswalk of the onsite instrumentation used for file reviews cross walked against legal authority (IDEA, State regulations);

4. Updated definitions of compliance for new and established protocol review items;
5. State monitor-established criteria for what is and is not noncompliance for any given review item; and
6. Numerous LEA orientations and training to initiate the new procedures.
7. Definition of a finding as related to on-site district file reviews and desk audits.

Due to the nature of the previous "systemic" method (i.e., accurately reporting the number of LEAs with noncompliance items and need for a CAP, but not being able to track the correction and verification of individual student findings of noncompliance), TDOE could not determine if all individual findings were corrected within one year. With the new system, noncompliance is being collected and noncompliance correction tracked and verified by the TDOE. However the noncompliance data collected in FFY 2009 and corrected as soon as possible but no later than one year after identification will not be reported until the FFY 2010 Annual Performance Report. Therefore, the FFY 2008 and the FFY 2009 Annual Performance Reports can only reflect reporting at the district basis of noncompliance.

As evidence of the implementation of these new compliance monitoring procedures the State is electing to report on the first six months of FFY 2009 compliance monitoring data for the twenty-two LEAs monitored between 7/01/2009 and 12/31/2009. As noted below, the partial FFY 2009 B-15 worksheet does not reflect data collected from other sources such as: Dispute Resolutions, Complaints and Hearings, Desk Audits and other data that will be reported in this worksheet in the future. The findings listed in the partial worksheet below are for cyclical on-site monitoring of LEAs only and do not reflect data gathered from other sources. Also this table does not include on-site monitoring data collected for private, state school and incarcerated youth agencies. (Note that these agencies adopted the new compliance monitoring procedures beginning in FFY 2009.) However, ALL noncompliance data collected from the full FFY 2009 12 month period will be reported in the FFY 2010 APR (due Feb 1, 2012).

Several districts have notified TDOE of their completion of corrective actions at both individual and district levels; however, the process for on-site verification of corrections is scheduled to begin March 2010, after all onsite visits have been conducted. The column associated with verification of correction of noncompliance is marked TBC&V (To Be Corrected and Verified).

Definition of "Findings" In reporting the 2009-2010 findings in the APR, Tennessee has grouped individual instances in the local educational agency (LEA) involving the same legal requirement or standard together as one finding for that district. An example of reporting guidelines for findings would be as follows:

> *Forty (40) student records were examined to determine whether initial evaluations were completed within Tennessee's established timeline. In five (5) of those records it was found that the evaluations were completed beyond Tennessee's established timeline. This would represent one LEA finding of noncompliance under §300.301(c).*

6-Month FFY 2009 PART B Indicator 15 Worksheet

(July 1, 2009 through December 31, 2009)

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 12/31/09)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 12/31/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 12/31/09)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 12/31/09)	(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 both, within one year of leaving high school.	Partial Year: 6 Months of On-Site Visits Only	**19**	**42**	**TBC&V**
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Partial Year: 6 Months of On-Site Visits Only	**10**	**10**	**TBC&V**
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Partial Year: 6 Months of On-Site Visits Only	**11**	**11**	**TBC&V**

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 12/31/09)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 12/31/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Partial Year: 6 Months of On-Site Visits Only	**19**	**19**	**TBC&V**
7. 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.	Partial Year: 6 Months of On-Site Visits Only	**0**	**0**	**TBC&V**
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification. 10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Partial Year: 6 Months of On-Site Visits Only	**16**	**28**	**TBC&V**

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 12/31/09)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 12/31/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
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.	Partial Year: 6 Months of On-Site Visits Only	**13**	**13**	**TBC&V**
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.	Partial Year: 6 Months of On-Site Visits Only	**0**	**0**	**TBC&V**
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Partial Year: 6 Months of On-Site Visits Only	**14**	**14**	**TBC&V**

The State completely revised its compliance monitoring process. New file review instruments were developed based on an overview of the related federal requirements and Tennessee's State Regulations. (Refer to *Student Records Review Protocol*—Appendix A, page 29 of TN Compliance Monitoring Procedures Manual to view this instrument.) The data items were revised or newly created to record instances of individual level compliance/noncompliance across numerous compliance areas. The new instrumentation contains criteria defining each item of compliance/ noncompliance. Compliance/ noncompliance criteria was established together by State monitors. Inter-rater reliability was established among all State monitors through practice file review trainings.

Onsite file reviews are conducted by one or more TDOE State monitors. Through the onsite file review process, monitors review IEP files and record all instances of compliance and noncompliance found in each file reviewed. The TDOE then generates a district level summary report with an item-level analysis, reporting both the number of items found to be compliant and noncompliant. Providing a district with their report initiates the timeline for correction of student level noncompliance. It also, where applicable, sets

the requirement and timeline for district to engage in improvement activities when found noncompliance suggests there may be issue(s) of understanding, policy, and/or procedures that need to be addressed though specialized trainings, district self assessment of procedures, State review of procedures, etc. The revised compliance monitoring process generates the district level report in a more expedient manner than the previous system (e.g. usually within two weeks). Quicker reports encourage LEAs to expedite the correction of noncompliance; complying with the law and implementing IDEA to students. The verification of correction of student level noncompliance is completed by:

(a) State monitors returning to the districts for an on-site verification of corrections made for all student level noncompliance found, and

(b) State monitors accessing the State special education IEP writing system, when applicable, to confirm the correction of student level noncompliance.

Finally, State monitors record the date they verified the correction of noncompliance at the student level. Only after ALL instances of student level noncompliance are verified corrected does the State issue a closing letter to the district. Where student level noncompliance was found at a level that requires the district to engage in additional actions to address and correct district level issues the State monitors and, where applicable, other TDOE staff, review the district actions. Once adequately addressed (depending on actions) the State issues a letter to confirm the districts' adequate completion of the actions.

TDOE has developed new monitoring procedures for addressing individual findings of non-compliance, as outlined above. Plans are also in place for developing procedures for determining that each LEA with identified noncompliance is implementing specific statutory or regulatory requirements based on the State's review of updated data, such as data from subsequent on-site monitorings or data collected through a State data system. This being in accordance with various U.S.C and CFR statutes and codes as well as OSEP Memo 09-02 and OSEP's January 15, 2009, verification visit letter.

Technical assistance sources which have been utilized to develop new procedures include the following: TN's OSEP state contact, the Mid-South Regional Resource Center (MSRRC), and the Special Education Data Services and Information System (SPEDSIS). Actions taken include those outlined above as well as having recently issued an RFP in order to obtain further technical assistance for developing the final phase of the new procedures. This being to ensure that LEAs identified as non-compliant are correctly implementing specific statutory or regulatory requirements as determined by subsequent on-site reviews or collection of data through the State data system.

The following documents are located on Tennessee's Monitoring and Compliance web page and provide further evidence of these changes (see http://state.tn.us/education/speced/monitor_compl.shtml for all Monitoring and Compliance posts):

- TN Compliance Monitoring Procedures Manual
  http://state.tn.us/education/speced/doc/9109compman.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/812094yrschedule.pdf
- 2009-2010 Monitoring Orientation
  http://state.tn.us/education/speced/doc/9909monitororien.ppt

The State looks forward to correctly reporting noncompliance data from on-site monitoring beginning with the FFY 2010 APR, due Feb 2012 which reports Indicator 15 data for FFY 2009. The new procedures and examples of new compliance monitoring reports are all available in the updated SPP.

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	100% of signed written administrative complaints will be resolved within required timelines.

Actual Target Data for *FFY08*:

87 signed written complaints were received by the division. 54 reports were issued. Of the 54 reports issued, 44 were within timelines and 10 were within extended timelines. 18 reports included findings of noncompliance. 9 complaints were pending at the end of the reporting period, 9 of which were complaints pending a due process hearing. 24 complaints were withdrawn or dismissed.

Discussion of Improvement Activities and Progress or Slippage that Occurred

44 of the 54 (81.5%) signed written administrative complaints were resolved within the 60 day timeline. 10 of the 54 (18.5%) reports issued were within extended timelines.

Due to TNDOE's failure to properly identify "exceptional circumstances" allowing the relief available under the timeline extension provisions of 34 C.F.R. 300.152(b)(1)(i) in the 10 reports, and as advised by the Office of Special Education Programs in its letter of October 8, 2009, the 100% target was not met and slippage resulted.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred.
None for FFY08	No discussion required

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
Implement procedures requiring that exceptional circumstances warranting extensions of the sixty (60) day time line be documented and correspondence be directed to LEA and parent with explanation of the exceptional circumstances **as determined/defined by TDOE**.	School Year 09-10 and continuing.	TDOE Legal Staff

In response to OSEP's FFY 2007 table:

The State must clarify in the FFY 2008 APR, due February 1, 2010, that the data requested for Indicator 16 is consistent with the timeline requirements in 34 CFR 300.152(a) and (b)(1) (that the State counts a State complaint decision as timely only if the State issues the decision within 60 days from the date that the State received the complaint or within an appropriately extended timeline)

In order to improve and clarify its procedures for appropriately extended timelines and to comply with OSEP's request above, see "revisions to improvement activities" above.

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	87
(1.1) Complaints with reports issued	54
(a) Reports with findings	18
(b) Reports within timeline	44
(c) Reports within extended timeline	10
(1.2) Complaints withdrawn or dismissed	24
(1.3) Complaints pending	9
(a) Complaints pending a due process hearing	9

SECTION B: Mediation Requests	
(2) Mediation requests total	28
(2.1) Mediations **held**	18
(a) Mediations **held** related to due process **complaints**	6
(i) Mediation agreements	5
(b) Mediations **held** not related to due process **complaints**	12
(i) Mediation agreements	10
(2.2) Mediations not held (including pending)	10

SECTION C: **Due Process Complaints**	
(3) **Due process complaints** total	49
(3.1) Resolution **meetings**	10
(a) **Written** settlement agreements	6
(3.2) Hearings (fully adjudicated)	2
(a) Decisions within timeline (**include expedited**)	0
(b) Decisions within extended timeline	2
(3.3) Resolved without a hearing	38

SECTION D: Expedited **Due Process Complaints** (Related to Disciplinary Decision)	
(4) Expedited **due process complaints** total	1
(4.1) Resolution **meetings**	1
(a) **Written** settlement agreements	1

(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	100% of due process hearings will have written decision within the required timelines.

Actual Target Data for FFY08:

49 due process hearing requests were received by the division. 2 due process hearing requests were fully adjudicated. 38 due process hearing requests were resolved without a hearing. 9 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.

NOTE: In response to OSEP's January 15, 2009, verification letter, TDOE submitted documentation by March 15, 2009, that demonstrated that the State had adopted procedures to ensure compliance with the requirement that hearing officers grant specific extensions of the 45 day timeline for issuing final decisions in due process hearings at the request of a party that specify either the length of the extension or the new date by which the decision must be reached and mailed to the parties.

Improvement Activities	Discussion of Improvement Activities And Progress or Slippage that Occurred.
Provide training for hearing officers.	Pursuant to Tennessee Code Annotated §49-10-606(b), the Administrative Office of the Courts is required to provide annual training in special education law to administrative law judges. The training is conducted on a calendar year basis and annual training was provided between January and June of 2008. Progress made. Continue activity.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
NONE		

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	4% of hearing requests that go to resolution sessions will be resolved through resolution session settlement agreements.

Actual Target Data for FFY08:

10 resolution sessions were conducted with 6 resulting in signed written agreements.

Discussion of Improvement Activities and progress or slippage that occurred.

60% of hearing requests that went to resolution sessions resulted in signed written agreements. Target was met.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred
None for FFY08	

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for Section A in the FFY08:

Activities	Timeline	Resources
In order to increase resolution of disputes short of litigation,	Ongoing	TN Administrative Law Judges

administrative law judges, when conducting initial case status conference telephone calls, will encourage the parties to participate in resolution sessions.		

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	57.5% of mediations will reach agreement within any applicable timelines

Actual Target Data for FFY08:

28 mediation requests were received by the division and 12 were not related to due process hearing requests. Of the 12 that were not related to due process hearing requests, 10 resulted in agreements. Of the 6 mediations that were related to due process hearing requests, 5 resulted in agreements. 10 mediations were either pending or not conducted.

Discussion of Improvement Activities and progress or slippage that occurred.
83.3% of mediations reached agreement within applicable timelines (15 agreements divided by 18 mediations held). Target was met.

Improvement Activities	Discussion of Improvement Activities and Progress or Slippage that Occurred
Provide training for mediators. Encourage use of mediation as a dispute resolution process.	Pursuant to Tennessee Code Annotated §49-10-605(b), the Administrative Office of the Courts is required to provide annual training in special education law to administrative law judges. The training is conducted on a calendar year basis and training was provided during 2008. Progress made. Continue activity.

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:

Activities	Timeline	Resources
NONE		

Part B State Annual Performance Report (APR) for FFY08

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
FFY08	State reported data are 100% timely and accurate.

Actual Target Data for FFY08:

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

618 Data Reports

Data for Data Transfer System (DTS) files for Tables 2, 4, 6, and 7 and Education Data Exchange Network (EDEN) files N003, N004, N005, N009, N070, N093 N099, N112, N143, and N144 were submitted to OSEP and Westat on time. Due to file formatting errors in the state education data warehouse, a slight delay was experienced in successful submission of EDEN N002, N006, N007, N088, and N089. The problems with the file formats were corrected manually. Files N002 and N089 were re-submitted on February 2, 2009 and files N006, N007, and N088 were re-submitted on November 2, 2009. The file format errors in the state longitudinal education data warehouse file production process have now been corrected.

We do not anticipate delays in reporting EDEN N002, N089, N006, N007, or N88 for FFY09.

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.

The TDOE has utilized several sources of technical assistance as it strives to improve data timeliness, reliability and validity. During FFY08 the State received technical assistance from its OSEP state contact, the Data Accountability Center (DAC), the Mid-South Regional Resource Center (MSRRC), the National Early Childhood Technical Assistance Center (NECTAC) and through a contract for technical assistance with Special Education Data Services and Information System (SPEDSIS). The TDOE received and utilized technical assistance regarding SPP/APR/618 data for Indicators 1, 2, 4A, 7, 8, 11, 14, 15, and 20. Actions taken as a result included:

SPP/APR Indicator or 618 Table	Technical Assistance Provider(s)	Example of Actions Taken as a Result of Technical Assistance Received
Indicators 1 and 2	DAC, SPEDSIS, TDOE Data Managers	Coordinated with TDOE Data Management team to establish appropriate method for identifying the Students with Disabilities (IDEA) sugbgroup in our state longitudinal data system.
Indicator 4A	OSEP State Contact, MSRRC, SPEDSIS	Developed and implemented review of LEA suspension and expulsion policies, procedures, and practices.
Indicator 7	NECTAC	Used information and training materials from NECTAC to establish appropriate baseline measurement procedures.

SPP/APR Indicator or 618 Table	Technical Assistance Provider(s)	Example of Actions Taken as a Result of Technical Assistance Received
Indicator 8	SPEDSIS	Developed and implemented contract for statewide survey of parents of students with disabilities regarding whether schools facilitiated parent involvement as a means of improving services and results for their children.
Indicator 11	SPEDSIS	Improved data analysis procedures.
Indicator 14	SPEDSIS	Planned Improvements of data analysis procedures.
Indicator 15	SPEDSIS, MSRRC	Created data collection system for efficiently recording and tracking instances of student level noncompliance.
Indicator 20	DAC, SPEDSIS	Facilitiated further development of state data governance procedures.

TDOE has continued to enhance its internal data governance structure and procedures for data collected, aggregated, analyzed and reported for students with disabilities as well as for students without disabilities.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY08:

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.
Provide TA to LEAs on: • 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 FFY08 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. Progress made. Continue activity.
Work with contractor for state special	During FFY08, approximately 123 hours of direct

education student information system to refine data collection system to ensure accuracy and timeliness of teacher, school, LEA, and SEA-level data	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. Progress made. Continue activity.
Communicate and collaborate with other offices within the Tennessee Department of Education to obtain comparison data necessary for compilation of Annual Performance Report indicators	Monthly meetings were held with TDOE Data 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. Progress made. Continue activity.
Work to receive clearance to submit data previously submitted to OSEP through the DANS system via the Education Data Exchange Network (EDEN).	Some progress made. Tennessee has received approval for the submission of Personnel Table 2, Exit Table 4, and Discipline Table 5 data through the Education Data Exchange Network (EDEN). Tennessee will continue to work toward the goal of submitting all required special education data to the US Department of Education via the EDEN system. Progress made. Continue activity.

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 FFY07
Information placed on special education website for LEAs to download and read to facilitate the timely and accurate submission of their December Census Report	Information was made available to LEAs regarding the 2008 December Census Report packet (including both state and federal data collections) on November 24, 2008. Progress made. Continue activity.
December Census due to State from LEAs	100% of LEAs reported their 2008 December Census to the state by January 31, 2009 Progress made. Continue activity.
Deadline for all verifications and additional data.	100% of LEAs reported their 2008 December Census to the state by January 31, 2009 Progress made. Continue activity.
Submit Federal Data Tables 1, 3 & 6 to OSEP	Data for 2008 OSEP Child Count Table 1, Education Environments Table 3, and Assessment Table 6 for Tennessee were submitted to OSEP and Westat on February 1, 2008. Format issues with EDEN N002 and N089 necessitated re-submission of these files on February 2, 2009.

	Progress made. Continue activity.
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	Information was made available to LEAs regarding the 2007-2008 End of the Year packet (including both state and federal data collections) on April 18, 2008. Progress made. Continue activity.
EOY Federal Tables due to State from LEAs	100% of LEAs reported their 2008-2009 End of the Year packet to the state by July 15, 2009 Progress made. Continue activity.
Submit Federal Data Tables 2, 4, 5, and 7 to OSEP	The Dispute Resolution Table 7 was submitted to OSEP and Westat using the DTS format on October 15, 2009. The EDEN files N070, N099, and N112 (data for Personnel Table 2) were transmitted on October 31, 2009; and N009 (data for Exit Table 4) N005 (data for Discipline Table 5) were transmitted on November 1, 2009. The other EDEN data files that compose the OSEP Discipline Table 5, N006, N007, and N088 were re-submitted on November 2, 2009. We do not anticipate delays in submission of EDEN files for 2009-2010. Slippage. Continue activity.

C. To ensure that the FFY08 APR is submitted by February 1, 2010:

Review and assign or re-assign staff to each indicator as needed.	Assignments remained in place after submission of the FFY07 Annual Performance Report (APR) in February, 2009. Review of assignments conducted at a June, 2009, staff meeting. Progress made. Continue activity.
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. Additionally, Table 7 to be provided for indicator drafts due on the "first round" of deadlines.	The tables were provided to OSEP and to the appropriate chairpersons in accordance with planned timeframes. Indicators associated with these tables were completed as planned. Progress made. Continue activity.
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 TD0E APR director for review before going to stakeholders for review.	Indicators assigned for the first round of reviews included: 5, 7, 8, 9, 10,11 and 12. These drafts were ready for review by the first week of October, 2009. 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 26, 2009 for review/edits/additions/deletions. 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, 2009. Progress made. Continue activity.
Organize federal data tables 4 and 5 (due November 1 to OSEP) in a format which 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 chairpersons in a timely manner. Table 5- EDEN N143 and N144 for indicator 4a was slightly delayed. Other indicators required for the second round of draft deadlines were 1, 2, 3, 4a,15, and 16-20. These drafts were submitted as scheduled by or before December 21, 2009. Slippage. 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 11, 2010 for review/edits/additions/deletions. 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, 2010. Progress made. Continue activity
Send a copy of the final APR to the State Advisory Council.	Sent week of February 1st, 2010. Progress made. Continue activity
Submit FYY08 APR to OSEP & place do current on Division website.	Submitted to OSEP electronically on February 1, 2010. Document submitted to webmaster to place on the State website at same date. Progress made. Continue activity

Revisions, <u>with Justification</u>, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY08:
[If applicable]

Activities	Timeline	Resources
NONE		

Part B Indicator 20 Data Rubric

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
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	* NA	* NA	0
14	* NA	* NA	0
15	0	0	0
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	32
APR Score Calculation	**Timely Submission Points** (5 pts for submission of APR/SPP by February 1, 2010)		5
	Grand Total		37

* Call your State Contact if you choose to provide data for Indicators 13 or 14

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: 2/1/08					
Table 2 – Personnel Due Date: 11/1/08					
Table 3 – Ed. Environments Due Date: 2/1/08					
Table 4 – Exiting Due Date: 11/1/08					
Table 5 – Discipline Due Date: 11/1/08					
Table 6 – State Assessment Due Date: 2/1/09					
Table 7 – Dispute Resolution Due Date: 11/1/08					
				Subtotal	21
			Weighted Total (subtotal X 1.8)		39
Indicator #20 Calculation					
			A. APR Total	37	
			B. 618 Total	39	
			C. Grand Total	78	
Percent of timely and accurate data = (C divided by 86 times 100)			(C) / (86) X 100 =		