

Tennessee Part B FFY 2005 SPP/APR Response Table

Monitoring Priorities and Indicators	Status	OSEP Analysis/Next Steps
Monitoring Priority: FAPE in the LRE		
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 47.7%. The State met its FFY 2005 target of 34.7%.</p>	<p>The State did not submit raw data. The State must provide both the percentage and the actual numbers in the FFY 2006 APR, due February 1, 2008.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 19.8%. The State met its FFY 2005 target of 30.4%.</p>	<p>The State did not submit raw data. The State must provide the both the percentage and the actual numbers in the FFY 2006 APR, due February 1, 2008.</p> <p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 94.1%. OSEP could not determine if the State met its target of 63.6% because the State used an incorrect measurement to calculate its performance on this indicator.</p> <p>Data not valid and reliable. The State did not submit FFY 2005 data consistent with the required measurement.</p>	<p>In calculating the data for this indicator, the State provided the number of districts that met the State's AYP objectives for progress or had a disability subgroup that did not meet the "n" size divided by the total number of districts. This is inconsistent with the required measurement. Under the required measurement, the State must provide the number of districts meeting the State's AYP objectives for progress for the disability subgroup divided by the total number of districts that have a disability subgroup that meets the State's minimum "n" size in the State. The State must provide FFY 2006 progress data consistent with the required measurement for this indicator in the FFY 2006 APR, due February 1, 2008.</p>
<p>3. Participation and performance of children</p>	<p>The State's FFY 2005 reported data for this</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve</p>

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<p>with disabilities on statewide assessments:</p> <p>B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>indicator are 98% for Reading and 99% for Math. The State met its FFY 2005 target of 95%.</p>	<p>performance.</p>
<p>3. Participation and performance of children with disabilities on statewide assessments:</p> <p>C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 71.5% for Reading and 59.47% for Math. This represents progress from FFY 2004 data of 68.8% for Reading and 52.5% for Math. The State did not meet its FFY 2005 target of 71.9% for Reading, but met its FFY 2005 target of 57.2% for Math.</p>	<p>The State met its target for math performance and OSEP appreciates the State's efforts to improve performance.</p> <p>OSEP looks forward to the State's data demonstrating improvement in performance in reading in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 30%. This represents slippage from FFY 2004 data of 7%. The State did not meet its FFY 2005 target of 5.5%.</p>	<p>Tennessee explained that it believed the slippage might have been due to a change in data collection from LEA district personnel to a statewide, computerized system, which did not allow changes if an IEP team's decision affected the status of a suspension.</p> <p>Tennessee reported that 42 of the State's LEAs on the monitoring cycle for the 05-06 school year, were designated as those whose suspension and expulsion rates would be a focus for determination of need for Program Improvement Plans. On page 53 of the APR, Tennessee identified 41 districts as having a significant discrepancy in the rates for suspensions and expulsions of children with disabilities. In addition, Tennessee indicated in</p>

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		<p>the improvement activities, that for 2005-2006 it completed the review of LEA policies, procedures, and practices to ensure compliance with IDEA, including development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards. However, it was unclear from the information provided, if the State reviewed policies and procedures of the 41 districts identified as having significant discrepancies in the FFY 2005 APR, or if these were only the districts that were part of Tennessee’s monitoring review. In its FFY 2006 APR, due February 1, 2008, Tennessee must: (1) clarify that it reviewed, and if appropriate revised, the policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for the 41 LEAs identified as having significant discrepancies in the FFY 2005 APR; and (2) describe the review and if appropriate revision, of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified as having significant discrepancies in the FFY 2006 APR. (The review for LEAs identified in the FFY 2006 APR may occur either during or after the FFY 2006 reporting period, so long as the State describes that review in the FFY 2006 APR.)</p> <p>OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2006 APR, due February 1, 2008.</p>
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.</p> <p>[Results Indicator; New]</p>		<p>Based upon our preliminary review of all State submissions for Indicator 4B, it appears that the instructions for this indicator were not sufficiently clear and, as a result, confusion remains regarding the establishment of measurements and targets that are race-based and for which there is no finding that the significant discrepancy is based on inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. As a result, use of these targets could raise Constitutional concerns. Therefore, OSEP has decided not to review this year’s submissions for Indicator 4B for purposes of approval and will revise instructions for this indicator to clarify how this indicator will be used in the</p>

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		<p>future. Based upon this, OSEP did not consider the submissions for Indicator 4B in making determinations under section 616(d). It is also important that States immediately cease using Indicator 4B measurements and targets, unless they are based on a finding of inappropriate policies, procedures, or practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p>
<p>5. Percent of children with IEPs aged 6 through 21:</p> <p>A. Removed from regular class less than 21% of the day;</p> <p>B. Removed from regular class greater than 60% of the day; or</p> <p>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are:</p> <p>5A. 53.48%</p> <p>5B. 14.69%</p> <p>5C 1.89%</p> <p>The State met its FFY 2005 targets of 53%, 15%, and 2.18%.</p>	<p>The State revised the targets and baselines for this indicator in its SPP because it had included 3-5 year olds and students who receive services in Tennessee but are not in the Federal Child Count. OSEP accepts these revisions.</p> <p>The State met its targets and OSEP appreciates the State's efforts to improve performance.</p>
<p>6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 26%. However, OSEP recalculated the data at 35% using Tennessee's 618 data and the required measurement. This represents slippage from FFY 2004 data of 36%. The State did not meet its FFY 2005 target of 37%.</p>	<p>The State's FFY 2005 reported data for this indicator are 26%. However, OSEP recalculated the data at 35% because Tennessee did not use the correct calculation.</p> <p>The calculation for this indicator includes all settings in which preschool children with IEPs receive special education and related services with typically developing peers. By definition this includes early childhood settings, home, and part-time early childhood/part-time early childhood special education settings. It appears that Tennessee only made its calculations based on the children with IEPs in early childhood settings.</p> <p>OSEP's March 20, 2006 SPP response letter required the State to include in</p>

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		<p>the February 1, 2007 APR both FFY 2004 (2004-2005) baseline data and FFY 2005 (2005-2006) progress data. The State provided FFY 2004 baseline data and FFY 2005 progress data.</p> <p>Please note that, due to changes in the 618 State-reported data collection, this indicator will change for the FFY 2006 APR due February 1, 2008. States will be required to describe how they will collect valid and reliable data to provide baseline and targets in the FFY 2007 APR, due February 1, 2009.</p>
<p>7. Percent of preschool children with IEPs who demonstrate improved:</p> <p>A. Positive social-emotional skills (including social relationships);</p> <p>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and</p> <p>C. Use of appropriate behaviors to meet their needs.</p> <p>[Results Indicator; New]</p>	<p>Entry data provided.</p>	<p>The State reported the required entry data and activities. The State must provide progress data and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>Based on the information provided, OSEP cannot determine if the State is sampling for this indicator. If Tennessee is providing a sampling plan, then the plan provided for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<p>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.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 92%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The sampling plan for this indicator is not technically sound. Call your State Contact as soon as possible.</p>
<p>Monitoring Priority: Disproportionality</p>		
<p>9. Percent of districts with disproportionate</p>	<p>The State identified three</p>	<p>The State provided targets at 0% and improvement activities and OSEP</p>

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<p>representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>districts with disproportionate representation in special education and related services.</p>	<p>accepts the SPP for this indicator. The State identified three districts with disproportionate representation of racial and ethnic groups in special education and related services but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3).</p> <p>The State reported that in order to determine “as a result of inappropriate identification,” the State will require districts identified with disproportionate representation to review policies and procedures and to document and justify that the disproportionate representation is not the result of inappropriate identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>The State reported that in FFY 2005, the weighted risk ratio and the relative risk ratio were applied for review and analysis of the five ethnic student populations in the six high incidence disability categories. While this is permissible under Indicator 10, the instructions for Indicator 9 require the State to examine data for all children with disabilities. In the FFY 2006 APR, due February 1, 2008, the State must examine data under Indicator 9 for all children with disabilities, not just children in the six high incidence categories.</p> <p>The State also indicated that in FFY 2005, it only examined data in a racial/ethnic group in an LEA if the LEA had an enrollment of 200 or more in the</p>

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		<p>racial/ethnic group. A State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all racial and ethnic groups. However, it appears this large “n” size will greatly reduce the number of districts the State is examining for disproportionality. Please explain in the FFY 2006 APR the statistical basis for only examining data in districts that have an enrollment of 200 or more in the racial/ethnic group.</p> <p>While not required under Indicator 9, the State described its process for determining if significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions. Under 34 CFR §300.646, States have an obligation to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs in the State with respect to identification, placement, and disciplinary actions. States must make this determination on an annual basis. If the State determines that significant disproportionality is occurring in the LEA, the State must: 1) provide for the review (and, if appropriate) revision of policies, procedures, and practices; 2) require the LEA to reserve the maximum amount of funds to be used for early intervening services; and 3) require the LEA to publicly report on the revision of policies, procedures, and practices. The State must require the LEA to reserve the maximum amount for early intervening services, regardless of the result of the review of the LEA’s policies, practices, and procedures.</p> <p>Tennessee is not using an appropriate method of determining if significant disproportionality based on race and ethnicity is occurring in LEAs. The process described does not permit the State to make an <i>annual</i> determination of significant disproportionality, as required by 34 CFR §300.646. On page 82-83 of the APR, Tennessee described a three-phase process that appears to take <i>three years</i> for the State to identify significant disproportionality in LEAs. In making a determination of significant disproportionality under 34 CFR §300.646, a State may utilize numerical data collected over more than one year. However, in order to ensure compliance with 34 CFR §300.646, the State must make an <i>annual</i> determination of whether significant</p>

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		<p>disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions.</p> <p>Under Tennessee’s process, an LEA is not placed in the significant disproportionality level until the State reviews its policies and procedures, provides technical assistance, and determines that LEA has not met the State’s target of decreasing disproportionate representation of the identified subgroup to Level 1 or Level 2. A State’s definition of significant disproportionality needs to be based on an analysis of numerical information, and may not include consideration of the State’s or LEA’s policies, procedures or practices. This is because section 618(d)(1) of the Act is clear that a review of policies, practices and procedures is a consequence of, rather than a part of, a determination of significant disproportionality by race or ethnicity. Because the State provided information in its FFY 2005 APR that indicates noncompliance with 34 CFR §300.646, the State must demonstrate in its FFY 2006 APR that this noncompliance has been corrected. To correct this noncompliance the State must demonstrate, in its FFY 2006 APR, that it makes an <i>annual</i> determination of whether significant disproportionality based on race and ethnicity is occurring in LEAs with respect to identification, placement, and disciplinary actions, as required by 34 CFR §300.646. In addition, the State must demonstrate that it has adopted and uses an appropriate method of identifying significant disproportionality.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator; New]</p>	<p>The State identified districts with disproportionate representation in specific disability categories.</p>	<p>The State provided targets at 0% and improvement activities and OSEP accepts the SPP for this indicator.</p> <p>The State identified districts with disproportionate representation of racial and ethnic groups in specific disability categories but did not determine if the disproportionate representation was the result of inappropriate identification, as required by 34 CFR §300.600(d)(3). On page 81 of the APR, Tennessee reported the percent of districts with disproportionate representation broken down by six disability categories, but did not provide a total percent of districts identified as having disproportionate representation of racial and ethnic groups in specific disability categories.</p>

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		<p>The State reported that in order to determine that disproportionate representation is the “result of inappropriate identification,” the State will require districts identified with disproportionate representation to review policies and procedures and to document and justify that the disproportionate representation is not the result of inappropriate identification.</p> <p>The State must provide, in its FFY 2006 APR, baseline data from FFY 2005 on the percent of districts identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification, and describe how the State made that determination (e.g., monitoring data, review of policies, practices and procedures, etc.). The State must also provide data, in its FFY 2006 APR, on the percent of districts identified in FFY 2006 with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification, and describe how the State made that determination, even if the determination occurs in the fall of 2007.</p> <p>The State also indicated that in FFY 2005, it only examined data in a racial/ethnic group in an LEA if the LEA had an enrollment of 200 or more in the racial/ethnic group. A State may, in reviewing data for each race ethnicity category, do so in a statistically appropriate manner, and may set an “n” size that applies to all racial and ethnic groups. However, it appears this large “n” size will greatly reduce the number of districts the State is examining for disproportionality. Please explain in the FFY 2006 APR the statistical basis for only examining data in districts that have an enrollment of 200 or more in the racial/ethnic group. See discussion of significant disproportionality under Indicator 9.</p>
Monitoring Priority: Effective General Supervision		
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline).	The State’s FFY 2005 reported baseline data are 89%.	The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. The State reported data based on a State-established timeframe within which the evaluation must be conducted.

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[Compliance Indicator; New]		As required by the SPP/APR instructions, the State did not provide the number of children determined not eligible whose evaluations were completed within the State timeline and did not indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays. The State reported that data on those assessed and determined not eligible will be collected during the 2006-2007 school year. The State must provide the required data and information in the FFY 2006 APR, due February 1, 2008.
<p>12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p> <p>[Compliance Indicator]</p>	The State's FFY 2005 reported data for this indicator are 99%.	<p>OSEP's March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR FFY 2004 (2004-2005) baseline data and FFY 2005 (2005-2006) progress data. Tennessee provided FFY 2005 data, but was unable to provide the FFY 2004 data necessary to establish baseline due to lack of data collection for this indicator in FFY 2004 and requested that OSEP permit Tennessee to use 2005-2006 data as its baseline. OSEP accepts this revision.</p> <p>Tennessee did not include in its calculation the number of children for whom parent refusal to provide consent caused delays in evaluation or initial services. In addition, Tennessee provided the number of children referred determined to be not eligible, but did not provide the number of children referred determined to be not eligible <u>and</u> whose eligibilities were determined prior to their third birthdays. Tennessee must provide the required data in the FFY 2006 APR, due February 1, 2008.</p> <p>Finally, Tennessee reported 99% compliance with this indicator but stated on page 97 of the APR, that eight out of 42 LEAs monitored by Tennessee were out of compliance for this indicator. These two pieces of information appear discrepant. The State must explain the discrepancy in the FFY 2005 APR between the reported percentage of compliance in the FFY 2005 APR and the number of LEAs identified with noncompliance with this indicator, in the FFY 2006 APR, due February 1, 2008.</p>
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable,	The State's FFY 2005 reported baseline data are	The State provided baseline data, targets and improvement activities and

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<p>annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.</p> <p>[Compliance Indicator; New]</p>	<p>60%.</p>	<p>OSEP accepts the SPP for this indicator.</p> <p>OSEP looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrates compliance with the requirements of 34 CFR §300.320(b), including data demonstrating correction of noncompliance identified in FFY 2005.</p>
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>A plan that describes how data will be collected for submission with the APR, due February 1, 2008, was provided.</p>	<p>The State provided a plan that describes how this data will be collected . The State must provide baseline data, targets, and improvement activities with the FFY 2006 APR, due February 1, 2008.</p> <p>OSEP notes that Tennessee conducted its pilot survey on 488 exiting high school seniors. When the State provides baseline data in the FFY 2006 APR, it must include dropouts in its survey.</p> <p>The sampling plan for this indicator is not technically sound. Call your State contact as soon as possible.</p>
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[Compliance Indicator]</p>	<p>The State’s FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP’s March 20, 2006 SPP response letter required the State to include in the February 1, 2007 APR FFY 2004 baseline data (the percent of noncompliance identified in 2003-2004 that was corrected within one year of identification in 2004-2005) and FFY 2005 progress data (the percent of noncompliance identified in 2004-2005 that was corrected within one year of identification in 2005-2006) On page 106 of the APR, Tennessee provided FFY 2004 baseline data and FFY 2005 progress data.</p> <p>OSEP appreciates the State’s efforts in achieving compliance and looks forward to reviewing data in the FFY 2006 APR, due February 1, 2008, that demonstrate continuing compliance with the requirements of 20 U.S.C. 1232d(b)(3)(E), and 34 CFR §§300.149 and 300.600. In its response to Indicator 15 in the FFY 2006 APR, due February 1, 2008, the State must disaggregate by APR indicator the status of timely correction of the noncompliance findings identified by the State during FFY 2005 (2005-2006). In addition, the State must, in responding to Indicators 9, 10, 11, and 13 specifically identify and address the noncompliance identified in this table</p>

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		under those indicators.
<p>16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100%. The State met its FFY 2005 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.152.</p>
<p>17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</p> <p>[Compliance Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 100% (3 of 3). The State met its FFY 2005 target of 100%.</p>	<p>The State reported three fully adjudicated hearings were held in FFY 2005. OSEP appreciates the State's efforts in achieving compliance and looks forward to data in the FFY 2006 APR, due February 1, 2008, that continue to demonstrate compliance with the requirements of 34 CFR §300.515(a).</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator; New]</p>	<p>The State's FFY 2005 reported baseline data for this indicator are 50%.</p>	<p>The State provided baseline data, targets and improvement activities and OSEP accepts the SPP for this indicator. It should be noted that OSEP calculated the baseline for this indicator at 50% based on the information Tennessee presented in Table 7.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State's FFY 2005 reported data for this indicator are 56%. The State met its FFY 2005 target of 50%.</p>	<p>The State met its target and OSEP appreciates the State's efforts to improve performance.</p>
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p>	<p>The State's FFY 2005 reported data for this indicator are 50%. The State did not meet its FFY 2005</p>	<p>As indicated above, data for Indicator 3A were not valid and reliable. Tennessee must provide data in the FFY 2006 APR, due February 1, 2008, that demonstrates compliance with the requirements in IDEA section 618 and</p>

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[Compliance Indicator]	target of 100%.	34 CFR §§76.20 and 300.601.