



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

Honorable Tim Webb
Acting Commissioner
Tennessee Department of Education
Andrew Johnson Tower, 6th Floor
710 James Robertson Parkway
Nashville, TN 37243-0375

Dear Dr. Webb:

Thank you for the timely submission of Tennessee's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part C of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Tennessee's SPP and APR received on April 8, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA sections 616(d) and 642, Tennessee needs intervention in meeting the requirements of Part C of the IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Sections 616(d) and 642 of the IDEA in 2008" for further details.

The State's determination for the FFY 2005 APR was also needs intervention. The State should review IDEA sections 616(e) and 642 regarding the potential impact of the Department's determination if the State is determined to need intervention for three consecutive years.

The specific factor affecting OSEP's determination of needs intervention for Tennessee is the low level of compliance for the State's FFY 2006 data for Indicator 9, regarding the requirement that the State correct identified noncompliance, as soon as possible, but in no case later than one year from identification. The State's FFY 2006 data of 40% represent a lower level of compliance than the State's FFY 2005 data of 48%. Although the State reported subsequent correction of additional findings as of October 15, 2007, the correction of those findings was not timely, which is the requirement under this indicator. The low level of compliance reported for Indicator 9 indicates that the State is not ensuring the correction of identified noncompliance in a timely manner, as required by 34 CFR §303.501. While not a factor in OSEP's FFY 2006 determination for Tennessee, OSEP notes that the State's timely service provision FFY 2006 data under Indicator 1 did not include the timely initiation of early intervention services newly identified on subsequent IFSPs. The State must include such data in reporting its FFY 2007 data for Indicator 1 in the FFY 2007 APR, due February 1, 2009. We hope that the State will be able to demonstrate that it meets requirements in its next APR.

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The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

Your State may want to consider taking advantage of available sources of technical assistance. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rrfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator.

As you know, your State must report annually to the public on the performance of each early intervention service (EIS) program located in the State on the targets in the SPP under IDEA sections 616(b)(2)(C)(ii)(I) and 642. In addition, your State must review EIS program performance against targets in the State's SPP, determine if each EIS program meets the requirements of the IDEA and inform each EIS program of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rrfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.


Pursuant to sections 616(d)(2)(B) and 642 of the IDEA, a State that is determined to need intervention or need substantial intervention, and does not agree with this determination, may request an opportunity to meet with the Assistant Secretary for Special Education and Rehabilitative Services to demonstrate why the Department should change its determination. To request a hearing, submit a letter to Tracy R. Justesen, Assistant Secretary, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue SW, Room 5107, Potomac Center Plaza, Washington, DC 20202-2600 within 30 days of the date of this letter and provide in the letter the basis for your request.

OSEP is committed to supporting Tennessee's efforts to improve results for infants and toddlers with disabilities and their families and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want

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to request technical assistance, please do not hesitate to call Charles Kniseley, your OSEP State Contact, at 202-245-7322

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Knudsen". The signature is fluid and cursive, with a long horizontal stroke at the end.

William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: Part C Coordinator