

Table B – Tennessee Part C
Previously Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 7: In the September 12, 2005 letter, OSEP required the State to submit, with the SPP, a Progress Report including a description of the causes for exceeding the 45-day timeline as required by 34 CFR §§303.321(e)(2), 303.322(e) and 303.342(a), with a final report demonstrating compliance, as soon as possible, not to exceed 30 days following one year from OSEP's letter, which would be October 12, 2006.</p> <p>Whether the State is in compliance with the 45 day timeline required by 34 CFR §§303.321(e)(2), 303.322(e) and 303.342(a).</p>	<p>1. In Indicator 7, on page 26 of the SPP, the State reported a 57.93% rate of timely completion of evaluations and IFSPs. Monitoring data reported in Indicator 9A, on page 39 of the SPP, indicated correction of noncompliance within one year as 75% for evaluations and assessments and 33% for initial IFSPs. The status of correction of noncompliance as of June 15, 2005 was reported at 100% for evaluations and assessments and 56% for initial IFSPs.</p>	<p>1. The State provided data that demonstrate continuing noncompliance with completing evaluation and assessment activities and holding an initial IFSP meeting within the 45-day timeline required by 34 CFR §§303.321(e)(2), 303.322(e) and 303.342(a).</p>	<p>1. The State's final progress report demonstrating compliance with this requirement, which is due October 12, 2006, may be submitted with the State's FFY 2005 APR due on February 1, 2007. In that APR, the State must review and if necessary revise, its improvement strategies and ensure that it is implementing its improvement strategies to enable the State to include data that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>1. In its September 12, 2005 letter responding to the State's FFY 2003 APR, OSEP accepted the State's plan for correcting noncompliance related to the 45-day timeline from referral to initial IFSP meeting.</p> <p>2. In its FFY 2003 APR, the State indicated that its "current data does not identify reasons (family vs. system) for delay in the IFSP completion."</p>	<p>2. On page 28 of the SPP, the State indicated that in September 2004, the State began requiring quarterly case reports from each of the nine districts that allow the State Lead Agency to identify any meeting that is not held in a timely manner and require specific case-by-case justification/explanation for late meetings. However, the State did not include a summary of the justification or explanations.</p>	<p>2. The State did not submit in its SPP Progress Report, the requested description of the causes for exceeding the 45-day timeline.</p>	<p>2. The State must also include in FFY 2005 APR, a description of the causes for exceeding the 45-day timeline, such as service coordination, personnel, funding, Medicaid, family issues and time involved in completing evaluations.</p>

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<p>Indicator 8: In its September 12, 2005 letter responding to the FFY 2003 APR, OSEP accepted the plan and required Tennessee to submit, with the SPP, data and analysis demonstrating progress toward compliance with 34 CFR §§303.148(b)(4), 303.344(h), and 303.148(b)(2)(i), and provide a final progress report to OSEP, with data and analysis demonstrating compliance, as soon as possible, but not later than 30 days following one year from OSEP's letter, which would be October 12, 2006.</p> <p>Indicator 8A and 8C Whether the State is in compliance with the written transition plan requirements of 34 CFR §§303.148(b)(4) and 303.344(h) and the transition planning conference timelines required by 34 CFR §303.148(b)(2)(i).</p> <p>1. Indicator 8A: In its FFY 2003 APR, the State reported that as of June 30, 2004, 83% of children and families had a written transition plan, which was an improvement from June 30, 2003 when 71% of children and families had a written transition plan.</p> <p>2. Indicator 8C: The State also reported in the FFY 2003 APR that 60% of transition meetings were not held within the required timeline.</p>	<p>1. Indicator 8A: The State did not report data relating to Part C's written transition plan requirements.</p> <p>2. Indicator 8C: On page 31 of the SPP, the State reported data indicating that 80.14% of transition meetings were held within the required timeline when the transition meetings were delayed due to family reasons.</p>	<p>1. Indicator 8A: The State did not provide data regarding the written transition plan requirements of 34 CFR §§303.148(b)(4) and 303.344(h).</p> <p>2. Indicator 8C: The State provided data regarding the transition planning conference timelines required by 34 CFR §303.148(b)(2)(i). The level of compliance reported was 80.14%.</p>	<p>1. Indicator 8A: The State's final progress report demonstrating compliance with these requirements, which is due October 12, 2006, may be submitted with the State's FFY 2005 APR due on February 1, 2007. In that APR, the State must ensure that it is implementing its improvement strategies to enable the State to include data in the APR that demonstrate full compliance with the written transition plan requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>2. Indicator 8C: In the FFY 2005 APR, the State must review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, that demonstrate full compliance with the transition planning conference timeline requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p>Indicator 9A: In the September 12, 2005 letter responding to the State's FFY 2003 APR, OSEP required Tennessee to submit, with the SPP, information: 1) demonstrating that its compliance standard for all requirements of IDEA is 100%; and 2) indicating correction of its policies and procedures to require correction of identified noncompliance within one year of identification, (i.e., one year from the date a district receives its monitoring report) including evidence of implementation of the revised policy and procedures (e.g., samples of monitoring reports or other documents where the requirement is clearly articulated).</p> <p>1. Whether the State's compliance standard for all requirements of IDEA is 100%.</p> <p>2. Whether the State's policies and procedures ensure that identified noncompliance is corrected within one year of identification.</p>	<p>1. On page 38 of the SPP, Tennessee reported that its re-designed Continuous Improvement Monitoring Process (CIMP) "requires agencies to submit an Annual Performance Report with data demonstrating that 100% compliance has been achieved."</p> <p>2. On page 37 of the SPP, the State indicated that the date of "identification" of non-compliance is defined as the date that the Program Improvement Plan (PIP) is approved by the DSE/DMRS validation team. The same statement is in the State Memorandum, Attachment 2 of the SPP on pages 58 and 59.</p>	<p>1. The State ensures that its compliance standard is 100% for IDEA's requirements.</p> <p>2. The data provided did not demonstrate that noncompliance was corrected within one year of the State's identification of the noncompliance because the identification date may not be the date the State approves a Program Improvement Plan.</p>	<p>1. OSEP looks forward to reviewing data in the APR, due February 1, 2007, demonstrating continuing compliance with this requirement.</p> <p>2. The State must confirm in the FFY 2005 APR, due February 1, 2007, that its policies and procedures ensure that identified noncompliance is corrected within one year of identification, which is one year from the date the district receives its monitoring report informing it of noncompliance, and not one year from the date the district's Program Improvement Plan is approved. Failure to include this information may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

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<p>Indicator 9B: In its September 12, 2005 letter responding to the APR, OSEP required Tennessee to submit, with the SPP, a plan including specific strategies, proposed evidence of change, targets, and timelines for correction of noncompliance on this requirement in the SPP, in either its submission under Indicator 2, pages 6 through 10, or Indicator 9, pages 36 through 45.</p> <p>Whether the State is in compliance with 34 CFR §303.344(d)(1)(ii) which requires that the IFSP include a statement regarding the natural environments in which early intervention services will be provided, and a justification when services are not provided in a natural environment.</p> <p>In its FFY 2003 APR, the State reported that 78% of IFSPs include a justification for not providing services in the natural environment.</p>	<p>The State did not provide a plan including specific strategies, proposed evidence of change, targets, and timelines for correction of noncompliance on this requirement in the SPP, in either its submission under Indicator 2, pages 6 through 10, or Indicator 9, pages 36 through 45.</p>	<p>The State did not submit the requested plan for correcting noncompliance of 34 CFR §303.344(d)(1)(ii), which requires that the IFSP include a statement regarding the natural environments in which early intervention services will be provided, and a justification when services are not provided in that environment.</p>	<p>In the APR, due February 1, 2007, in Indicators 2 and 9B, the State must either: 1) provide data demonstrating compliance or 2) submit a plan that ensures compliance with the requirement at 34 CFR §303.344(d)(1)(ii). Failure to either demonstrate compliance, or submit a plan, at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>