

Enclosure D

Special Conditions (Alternate Assessment)

1. Basis for Requiring Special Conditions

The requirements that States ensure that children with disabilities participate in State and district-wide assessment systems; develop and administer alternate assessments, if necessary; and report publicly on the participation and performance of children with disabilities in State and district-wide assessments, are crucial to ensuring that children with disabilities are provided access to high-quality instruction in the general curriculum, and that States and districts are held accountable for the progress of these children. 20 U.S.C. 1412(a)(15)-(16)(effective July 1, 2005).¹ The requirements regarding performance goals and indicators and the participation of children with disabilities in and reporting on participation and performance of children with disabilities in regular assessments have been in effect since July 1, 1998; the requirements regarding reporting on alternate assessments have been in effect since July 1, 2000. According to the information reported to the United States Department of Education (Department) in the Annual Performance Report for the 2002-2003 school year and the information gathered in a verification visit during the week of July 12, 2004, Oregon was not reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

The conclusion of OSEP's January 14, 2005 FFY 2002 APR response letter, incorporated by reference, required that in the FFY 2003 APR (due on March 31, 2005), ODE demonstrate full compliance with, or submit an Improvement Plan (IP) designed to ensure correction of noncompliance with, this requirement. ODE has submitted an IP that includes the required components and appears reasonably designed to meet the requirements of 20 U.S.C. 1412(a)(16)(effective July 1, 2005). Since the time of its submission of the IP, Oregon has posted some data on its website concerning the performance of children with disabilities on alternate assessments. Oregon has informed the Department that it will fully meet this requirement in the fall of 2005 through its 2004-2005 Oregon Statewide Report Card: An Annual Report to the Legislature on Oregon Public Schools. Oregon has also informed the Department that all reports will be available in print and on the Oregon website. Therefore, the Department is imposing Special Conditions on Oregon's Federal Fiscal Year 2005 awards under Part B.

2. Nature of the Special Conditions

By May 31, 2006, Oregon must submit documentation demonstrating that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments, as required by 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

¹ Title I of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, also includes a number of requirements related to including children with disabilities in State assessment programs and reporting on their participation and performance on regular and alternate assessments that in many instances are more specific than requirements in the IDEA. For example, the Title I regulations require, at 34 CFR §200.2(b)(3) and (4), that all State assessments must, "(3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and (ii) Provide coherent information about student attainment of those standards. (4)(i) Be valid and reliable for the purposes for which the assessment system is used; and (ii) Be consistent with relevant, nationally recognized professional and technical standards." This enclosure does not, and should not be interpreted to, address Oregon's compliance with requirements of Title I.

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the special conditions if, at any time prior to the expiration of the grant year, Oregon provides documentation, satisfactory to the Department, that it has fully met the requirements of 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

4. Method of Requesting Reconsideration

The State can write to Troy R. Justesen if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

5. Submission of Reports and Documentation

All reports and documentation that are required to be submitted by Oregon to the Department under the Special Conditions should be sent to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Linda Whitsett
400 Maryland Ave, SW
Washington, DC 20202-2550