



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Judy Jeffrey
Director of Education
Iowa Department of Education
Grimes State Office Building
East 14th & Grand Streets
Des Moines, IA 50319-0146

NOV 14 2005

Dear Director Jeffrey:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) recent verification visit to Iowa. As indicated in my letter to you of January 19, 2005, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Parts B and C of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to Iowa during the week of July 11, 2005.

The purpose of our verification reviews of States is to determine how they use their general supervision, State-reported data collection, and statewide assessment systems to assess and improve State performance, and to protect child and family rights. The data collected through verification visits will help OSEP: (1) understand how the systems work at the State level; (2) determine how the State collects and uses data to make monitoring decisions; and (3) determine the extent to which the State's systems are designed to identify and correct noncompliance.

As part of the verification visit to the Iowa Department of Education (IDE), OSEP staff met with Lana Michelson, the State Special Education Director and Julie Curry, Part C Coordinator, and members of IDE's staff involved with the Part C and Part B systems and who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, impartial due process hearings, and statewide assessment); (2) the collection and analysis of State-reported data; and (3) ensuring participation in, and the reporting of student performance on, statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including the following: (1) the State's Federal Fiscal Year (FFY) 2003 Parts B and C Annual Performance Reports; (2) an overview of IDE's Monitoring Process; (3) the June 5, 2002 OSEP Monitoring Report; (4) Iowa's Parts B and C monitoring system and data binders submitted to OSEP for review in preparation for the verification visit; and (5) information from the State's website.

OSEP conducted a conference call on May 11, 2005 with the State Advisory Council on Special Education and the State Interagency Coordinating Council to hear their perspectives on the strengths and weaknesses of the State's systems for general supervision, data collection, and statewide assessment. Lana Michelson assisted us by recommending and inviting the

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency but rather to inform OSEP's understanding of your State's systems.

participants. OSEP also conducted two public input conference calls on May 19, 2005 with Part B and Part C participants to enable parents and other interested parties to share their views on special education and early intervention services in Iowa. An additional conference call was conducted on June 20, 2005 to provide Part B parents a further opportunity to provide comment. Iowa Protection and Advocacy Services and the Parent Training and Information Center of Iowa assisted us in notifying parents and other interested parties about these calls.

The information that Lana Michelson and her staff provided during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of IDE's systems for general supervision, data collection and reporting, and statewide assessment. OSEP will respond in separate letters to the State's Federal fiscal year (FFY) 2003 Part B and Part C Annual Performance Reports (APRs).

General Supervision

In reviewing the State's general supervision systems for Part B and Part C, OSEP collected information regarding a number of elements, including whether the State: (1) has identified any barriers, (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede its ability to identify and correct noncompliance; (2) has systemic, data-based, and reasonable approaches to the identification and correction of noncompliance; (3) utilizes guidance, technical assistance, follow-up, and -- if necessary -- sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

IDE is responsible for administering Part B of IDEA and is also the lead agency designated under Part C of IDEA to make early intervention services available to infants and toddlers with disabilities and their families. OSEP learned through review of documents and interviews with IDE staff that the State's Part B and Part C general supervision systems consist of: (1) State administrative rules regarding the provision of special education and related services through local educational agencies (LEAs) and early intervention services through contracted service providers; (2) interagency agreements with other public agencies regarding the provision and payment for special education and related services and early intervention services; (3) special education and early intervention monitoring; (4) dispute resolution; and (5) data collection under section 618 of IDEA.

State Administrative Rules (Part B and Part C): IDE staff told OSEP that the State has in effect the Iowa Administrative Rules to govern the State implementation of Part B (in Chapter 41) and Part C (in Chapter 120). Under Part B, the administrative rules apply to the provision of special education and related services for children with disabilities age birth to 21² enrolled in public or non-public schools or in State-operated education programs, and are intended to conform to the Federal Part B regulatory requirements at 34 CFR Part 300. Under Part C, the administrative

² Iowa is a birth-mandate State. Iowa State law requires the provision of a free appropriate public education (FAPE) to children from birth to age 21.

rules apply to the provision of early intervention services to eligible infants and toddlers, birth through age two, and their families, and are intended to conform to the Federal Part C regulatory requirements at 34 CFR Part 303.

Interagency Agreements/Memoranda of Understanding (Part B and Part C): OSEP learned through interviews with IDE staff that, as part of its general supervision system under Part B, IDE implements interagency agreements with the following entities: (1) the Iowa Department for the Blind regarding transition services from school to post-school activities and financial responsibility for those services; (2) the Iowa Department of Human Services regarding the coordination of services for Medicaid-eligible special education students and the financial, administrative, and programmatic responsibility for those services; (3) the Department of Corrections, in the form of a service agreement, regarding the identification, evaluation, and provision of special education and related services to student inmates; (4) the Division of Vocational Rehabilitation Services, to facilitate the coordination of transition services from school to post-secondary education and/or competitive employment; and (5) the Iowa Departments of the Blind, Human Rights, and Human Services, the Iowa Division of Vocational Rehabilitation, the Iowa Governor's Developmental Disabilities Council, and the Iowa Workforce Development Program regarding methods to strengthen employment services for Iowans with disabilities. IDE monitors all agencies that have interagency agreements/memoranda of understanding through its special education monitoring process.

Under Part C, IDE has entered into and implements interagency agreements with the Department of Human Services and the Department of Public Health and Child Health Specialty Clinics in order to define roles and responsibilities under the Early Access (EA) program (Iowa's Part C program) consistent with IDEA Part C. IDE also has entered into an agreement with the Iowa Head Start program to facilitate collaboration and ongoing collaborative efforts with the local implementation of Part C.

Part B Monitoring: IDE ensures that its LEAs and Area Education Agencies (AEAs) are monitored for compliance with special education monitoring requirements.³ IDE monitors 367 LEAs (districts) and schools (nonpublic), two charter schools, two Board of Regents school programs, nine programs in the Department of Corrections, and four Department of Human Service programs. The AEA in which each LEA is located has significant responsibility for ensuring that this monitoring process is carried out. The LEA monitoring process occurs during a five-year continuous improvement cycle and is designed to address procedural compliance and continuous improvement. Special education monitoring is integrated into Iowa's comprehensive school improvement process, the accreditation process for LEAs. Components of the five-year monitoring cycle include:

- Year 1 – preparation and continued implementation – IDE identifies the LEAs involved in this cycle (approximately 20% annually). AEAs assist LEAs in understanding the focused monitoring process;

³ Area education agencies (AEAs) have the fiscal and legal responsibility for ensuring that IDEA Part B regulations are carried out at the regional level. From 1974 to 2003 there were 15 AEAs. In 2003, five of the AEAs merged, which reduced the number to 12. AEAs share the responsibility for special education monitoring of LEAs (Districts) with the IDE.

- Year 2 – self-assessment – the AEA facilitates a self-assessment process for each district in this phase. Corrective actions from noncompliance identified in the self-assessment are completed prior to the comprehensive site visit to be conducted the following school year. Data on Key Performance Indicators (KPI) are collected and summarized for each district and a district data sheet and demographic profile is completed. IDE analyzes the data from the self-assessment, KPI data, district profile, complaints, and due process information to determine activities and specific focus of the comprehensive site visit;
- Year 3 – validation and comprehensive site visit – a comprehensive site visit is conducted that includes verification that corrective actions resulting from areas of concern and/or noncompliance identified in the self-assessment are completed. During the on-site visit, additional noncompliance or areas of concern may be identified. IDE provides a copy of the final comprehensive site visit report to the AEA director to follow up with districts on areas of improvement, strengths, and, if identified, additional noncompliance. Upon receipt of the report, the AEA provides ongoing technical assistance (TA) to districts for continuous improvement and to ensure the correction of noncompliance. The AEA provides IDE with documentation of completed corrective actions for each district, and IDE reviews the documents in order to ensure that corrective actions have been completed;
- Year 4 – planning and implementation – IDE and AEAs provide on-going TA to districts to promote continuous improvement. The AEA also provides follow-up and verification of corrective actions, if required, and submits documentation of completed corrective action plans to IDE; and
- Year 5 – data collection and implementation – an evaluation of the implementation of the district’s corrective action plan is conducted.

To ensure compliance of those entities not selected during a cycle, IDE conducts an annual review of AEA and LEA data. Off-cycle visits are conducted when data analysis indicates a need. Action plans are developed and monitored by IDE and follow-up visits are conducted after a year to ensure that corrections have been made. AEAs provide technical assistance to districts, as needed, to assist with completion of the action plans.

Currently, IDE has 12 AEAs that function as intermediate units. AEAs are monitored by IDE through the AEA accreditation process. IDE schedules AEA accreditation reviews with selected AEAs every year. The process includes document review, on-site data collection through staff interviews and focus groups, and a follow-up visit to gather supporting evidence. IDE also reviews policies and procedures for each AEA and determines whether AEAs properly carry out their responsibilities to ensure the identification and correction of LEA noncompliance.

Where State standards and criteria are not met, the AEA must develop a remediation plan. Until the remediation plan is completed, the AEA’s accreditation is conditional. The State Board of Education can remove an AEA’s accreditation if that AEA fails to address concerns included in a remediation plan.

Although IDE's monitoring process includes procedures to ensure the timely identification and correction of IDEA noncompliance, records provided during the verification visit indicated that IDE had not received documentation that districts monitored during 2003-2004 implemented and completed improvement plans. For example, IDE's June 15, 2005 letters to AEAs 8, 11, and 13 indicated that these AEAs had not met the requirements to ensure that all previously identified LEA noncompliance had been corrected within one year of identification. IDE staff acknowledged that in some cases noncompliance had not been corrected within one year of identification. To address this issue, IDE has developed a plan to conduct verification visits to each AEA to determine if it has provided follow-up with its LEAs regarding compliance concerns and following corrective action plan implementation, including evidence that noncompliance has been corrected within one-year of identification.

Although OSEP believes that IDE's monitoring system represents a reasonable approach to the identification of noncompliance, it cannot, without also collecting additional data at the local level, determine whether IDE's monitoring procedures are fully effective at identifying noncompliance in LEAs/agencies that have been selected for review. In addition, as noted above, the IDE has not ensured that all noncompliance under Part B is corrected within a reasonable period of time not to exceed one year of identification, (20 U.S.C. 1412(a)(11), and 1232d(b)(3)(E), and 34 CFR §300.600). With the State Performance Plan (SPP) due December 2, 2005, or within 60 days of the date of this letter, IDE must include in response to Indicator #14, the State's plan with strategies, proposed evidence of change, targets and timelines to ensure the correction of Part B noncompliance identified by the State within one year of the State's identification.

Part C Monitoring: OSEP learned through the review of documents and interviews with Early Access (EA) staff that the lead agency, signatory agencies, and AEAs⁴ share the responsibility for EA continuous improvement and monitoring. EA began to revise its monitoring system in 2003 to address general supervision noncompliance identified in OSEP's June 2002 Monitoring Report and is currently working with the National Center for Special Education Accountability Monitoring (NCSEAM)⁵ in an effort to ensure accountability and consistency in determining compliance with Federal and State Part C requirements. These revisions included development and piloting of the following monitoring protocols: (1) enduring concepts that provide a framework for organizing accountability and monitoring of EA; they include: (a) results for children and families, (b) early identification, (c) service coordination, (d) family centered service delivery, (e) direct specialized services in natural environments, (f) early childhood transition, and (g) collaborative and supportive infrastructure; (2) a focused monitoring process that conducts in-depth examinations of factors contributing to the successful attainment or low performance on key performance indicators; (3) self-assessment that includes regional file reviews and assessment of general supervision requirements; (4) quality service review that examines child and family outcomes and the impact of the service system in producing those

⁴ In Part C, AEAs are the regional grantees. The geographic boundaries of EA regions are the same as the AEA boundaries.

⁵ NCSEAM is a discretionary project supported by OSEP under IDEA to improve outcomes for students with disabilities by assisting State and local education agencies and OSEP to implement and productively use a focused monitoring system. See www.monitoringcenter.lsuhs.edu/.

outcomes; and (5) regional grantee year end reports and continuous improvement plans that provide regional data profiles relating to: (a) public awareness, child find and family centered services, (b) early childhood transition, (c) early intervention services in natural environments, and (d) general supervision.

OSEP also learned through the review of documents and interviews with EA staff that the lead agency determines the number of on-site focused monitoring visits to be conducted. The Iowa Council for Early ACCESS (ICEA), the State's interagency coordinating council, in conjunction with the lead agency determines the priority for focused monitoring using data regarding key performance indicators from regional monitoring data profiles and other statewide data. After the priority area is selected, the lead agency selects the region for the on-site investigation based on rank-order performance data. A minimum of one on-site visit to a regional grantee is conducted annually. Once the on-site visit is conducted, a written report is mailed to the regional grantee within 14 days following the visit. Verification of self-assessment data also occurs at the on-site investigation and results are provided to the regional grantee. When IDEA Part C noncompliance is identified, regional grantees are responsible for submitting a corrective action plan to EA, incorporating noncompliance into their regional continuous improvement plan, and providing an update on the status of correcting noncompliance in their regional grantee year end report.

OSEP believes that IDE's EA Part C monitoring system represents a reasonable approach to the identification and correction of noncompliance. However, without collecting additional data at the local level, OSEP cannot determine whether IDE's Part C monitoring procedures are fully effective at identifying and correcting noncompliance. OSEP learned through a record review that EA has not ensured the correction of noncompliance within one year of identification for one region. Specifically, EA's records indicated at the time of the OSEP visit that region 14 (monitored in June 2004) had not corrected all State-identified noncompliance within one year of identification. However, OSEP is unable to conclude whether this is a systemic issue. IDE provided monitoring and correction data on its EA system in its Part C FFY 2003 APR indicating that IDE was making findings and ensuring correction of State-identified findings in a timely manner. In the SPP, the State must include in response to Indicator #9, monitoring and correction data for all regions monitored (including Region 14) and provide correction data showing when Region 14 resolved all findings of noncompliance. If the data reflect that Region 14 or other regions have not timely corrected findings by IDE, IDE must include in the SPP or submit within 60 days of the date of this letter, its plan with strategies, evidence of change, and targets to ensure the correction of noncompliance identified through the State's monitoring within one year of its identification.

Dispute Resolution (Part B and Part C): OSEP learned through interviews with IDE staff and document reviews that IDE's Part C program has adopted the Part B due process procedures under 34 CFR §303.420. IDE stated that its philosophy is to resolve differences as early as possible and at the lowest level possible. IDE offers several ways to resolve differences: (1) preappeal conferences as a form of mediation without requesting a due process hearing; (2) mediations, when a hearing is requested; (3) filing State complaints under Part B at 34 CFR §§300.660 through 300.662 and Part C at 34 CFR §§303.510 through 303.512; (4) due process hearings; and (5) resolution facilitator process (AEA).

Part B. IDE staff reported that IDE ensures children with disabilities and their families are aware of all dispute resolution options under Part B through various avenues: (1) The procedural safeguards manual for parents which contains model forms; (2) IDE website - *Resolving Differences*; (3) the Parent-Educator Connection (PEC) instrumental in assisting parents and educators; (4) presentations at conferences, workshops, pre-service activities; and (5) collaboration with agencies, organizations and groups such as the Parent Training and Information Center (PTI) (which published an article *PTI Promotes Resolution Facilitator Process*), school administrators, and the legal center.

The resolution facilitator process is available through each AEA to parents, educators, LEAs, and AEAs to assist in the resolution of special education, section 504, general education, and other issues. The complaint log for July 1, 2004 – June 30, 2005 provided during the verification visit documented six complaints filed under Part B. Of the six complaints filed, four parents opted for a preappeal conference and two were investigated and decisions issued within the 60-day timeline. Of the 10 due process hearings requested under Part B, five hearings were conducted within the 45-day timeline, four within properly extended timelines and one was settled through mediation prior to the availability of a hearing. IDE credits the low numbers of hearings held and complaints filed to the availability of a high number of trained mediators, the resolution facilitator process, the preappeal conference, and established complaint procedures. The PEC, Legal Center for Special Education, PTI, and attorneys meeting informally are also reasons suggested that assist IDE in maintaining low numbers of complaints and due process hearings.

Part C. OSEP also reviewed IDE's system for the resolution of State complaints, due process hearings, and mediations under Part C. Although IDE has adopted State complaint, due process hearing, and mediation procedures, the State reported in its FFY 2003 APR that no complaints have been filed or mediations or due process hearings requested during 2003-2004. OSEP cannot determine whether the lack of administrative complaints and/or due process hearing requests is due to a high degree of family satisfaction with Part C services, or whether parents have not been sufficiently informed regarding the State's Part C dispute resolution procedures. IDE had previously revised, at OSEP's request, its prior written notice required to be provided to parents under 34 CFR §303.403, to address the procedural safeguards under Part C that must be included in the content of the notice under 34 CFR §303.403(b)(3) and (4). OSEP's review of the prior written notice confirms that it contains the State complaint information as required in 34 CFR §303.403(b)(4). IDE may wish to review how it monitors whether service coordinators under 34 CFR §303.23 are providing parents notice when required by the circumstances identified in 34 CFR §303.403(a). In addition, as part of the SPP Indicator #4, IDE must submit in the SPP its plan to collect data on the percent of families participating in Part C who report that early intervention services helped the family achieve benefits such as, but not limited to knowing their rights and advocating effectively for their children. OSEP looks forward to reviewing this plan. OSEP also requests that in the SPP, IDE confirm that it is providing parents of children enrolled in the EA Part C program with the revised notice that meets the content requirements of 34 CFR §303.403(b).

Collection of Data Under Section 618 of the IDEA

In reviewing the State's system for data collection and reporting, OSEP collected information regarding a number of elements, including whether the State: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the State's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has identified any barriers, (e.g., limitations on authority, insufficient staff or other resources, etc.) that impeded the State's ability to accurately, reliably and validly collect and report data under section 618 of IDEA.

Currently, IDE has two systems for collecting, storing, managing and disseminating data. The Information Management System (IMS) is utilized by IDE, AEAs, regional grantees, and LEAs to collect, store, manage and distribute special education data for use in decision-making as well as meeting the Federal reporting requirements of IDEA and NCLB. The IMS provides the AEAs and LEAs with data organized around the service delivery system for special education services. Project EASIER is used to track individual data for students with and without disabilities. A common student identification number makes cross-validation of data between the two information systems possible. The implementation of unique student identification numbers will also provide more accurate graduation data by 2007-2008 and incorporate assessment data with IMS special education data. Project EASIER data is used for reporting data for the 618 Discipline Table and Personnel Table. Child count, LRE, and exiting data are provided by IMS.

AEA staff enter IEP and IFSP data into the IMS database. AEA staff may contact IFSP and IEP teams regarding missing information or clarification. Assessment results from all districts are stored in the Project EASIER database. Alternate assessment student achievement data are collected at four regional scoring sites and key entered into a text file and read into an excel database. Project EASIER extracts and creates a student-by-student data file (text or Excel file), which is reviewed and aggregated. The assessment results are combined with the alternate assessment results to fulfill the APR data needs. State-operated programs (for example, mental health facilities, the Iowa Braille and Sight Saving School, and the Iowa School for the Deaf) and correctional facilities submit data to IMS in the same manner as districts.

The State reported in the FFY 2003 APR, that suspension and expulsion data of children without disabilities are not available and the State's definitions for graduation, dropout, and discipline (suspensions/expulsions) were considerably different than the OSEP definitions. Therefore, the State has been unable to make comparisons between children with and without disabilities in these areas required by IDEA for inclusion in the APR. During the verification visit, IDE demonstrated the capabilities of the Project EASIER data system that will provide graduation, dropout, and discipline data for all students and will facilitate the comparison between students with and without disabilities. IDE verified that it has adopted the OSEP definitions for data collection and reporting purposes for Part C and Part B. Project EASIER discipline data will be aggregated and reported in the SPP, due December 2, 2005.

IMS training for IEP/IFSP teams is provided through the AEAs. All data entry personnel

participate in monthly interactive teleconferences and periodic in-person training. Project EASIER training for district personnel occurs during five regional workshops. Additional IMS technical assistance and support for IEP and data entry personnel are available from the IMS web site (User's Manual, HELP/FAQ, email question and answer service) and the toll-free IMS technical phone line.

The SEA reviews the accuracy, reliability, and quality of IMS data collection, entry and reporting. State staff meets approximately three times per month to review IMS data, and discuss concerns and implement solutions. The system verifies entries through pop-ups or computer checks when incorrect entries are inserted. Other verification activities include: (1) data entry personnel verify each other's work; (2) LEA procedures and practices are monitored by the AEA; (3) AEA Special Education directors monitor child count status and ensure data are appropriately entered. The IMS creates a verification report that identifies questionable or missing data, such as age/grade combinations, invalid IDs, and blank/incorrect LRE and early childhood settings. The reports are sent to the AEA to reconcile with IFSP and IEP teams. Adhoc reports are sent to regional coordinators with copies to the special education directors and data entry personnel. When data correction is necessary, changes are made in the IMS, corrected files are aggregated and the 618 tables are updated. Data verification requests initiated by WESTAT (OSEP's 618 data contractor) are corrected and 618 tables are updated immediately. A full set of security procedures is in place including password log-in protection and individualized access to IMS modules based on level of need/responsibility.

For both Project Easier and IMS, the State uses 618 and other data to improve State performance, child and family outcomes and the protection of child and family rights through the following activities: monitoring for results/compliance; transition accountability study; the APR and SPP; development of priority areas; examination of patterns for planning, decision-making for training initiatives, AEA/regional grantee staffing and AEA/regional grantee procedures; State of the State in Special Education Report; EA Annual Report to the Governor; SICCC (Iowa Council for EA) FM priorities/council activities; regional CIPs; year-end reports; QSR determinations; and outreach to constituents. OSEP believes that Iowa's system for collecting and reporting data is a reasonable approach to ensuring the accuracy of the data that IDE reports to OSEP under section 618 of IDEA.

Assessment

As part of its analysis of the State's system for statewide assessment⁶, OSEP collected information regarding a number of elements, including whether the State: (1) establishes procedures for statewide assessment that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear

⁶ 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 and without 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. This letter does not, and should not be interpreted to, address Iowa's compliance with requirements of Title I.

guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements.

Additional technical assistance has been provided via IDE’s web site, over the Iowa Communications Network, and in numerous conference presentations on appropriate accommodations on assessments. AEAs provide technical assistance and monitor LEA assessment practices. The statewide assessment leadership team meets monthly and many topics are discussed including allowable accommodations and modifications. In order to better understand Iowa’s system for statewide assessment, OSEP also discussed with IDE staff how the alternate assessment is aligned with grade-appropriate content standards.

Iowa’s statewide assessment includes the Iowa Test of Basic Skills (ITBS) for grades K-8, and the Iowa Test of Educational Development (ITED) for grades 9-12. Less than 1 percent of students tested in grades 4, 8 and 11 participated in the Iowa Alternate Assessment. IEP teams determine the participation of children with disabilities in the district-wide assessment and whether accommodations and/or modifications are needed to enable participation. Children with disabilities who are unable to participate in the standard assessment participate in the Iowa Alternate Assessment. In addition, to ensure participation of children with disabilities in all assessments, the Administrative Code clearly states that all students must participate in statewide assessments. Participation guidelines are revised to reflect any changes in policy or procedures and training is provided through the AEAs to teachers who have students participating in the alternate assessment. Participation rates (including students with IEPs) are submitted annually and reviewed by IDE.

The Iowa Alternate Assessment (IAA) is focused on instructional improvement with a direct connection to grade level, general education curriculum content and standards in reading, math, and science. The evidence-based portfolio includes: (1) a review of student work; (2) observation progress monitoring; and (3) performance tasks. The IEP team selects reading, mathematics, and science standards and benchmarks to target for instruction and assessment. Evidence within the alternate assessment documents student performance aligned with the grade level content standards and benchmarks.

Assessment results are reported through the State report card, the Condition of Education Report, the AEA and LEA APRs, Part B Federal APRs, and on the IDE’s website via school profiles. During our verification visit, the State provided the following information regarding the percentage of students scoring in each achievement level on the ITBS and ITED statewide assessments. The data below indicate an increase in the percentage of children with disabilities performing in either the intermediate or high categories for all content areas and grade levels assessed, except for 11th grade reading.

Assessment/Grade	Biennium	Intermediate	% increase	High	% increase
ITBS/Reading – 4 th	2002-2004	28.6		2.4	
	2003-2005	32.1	3.5	3.4	1.0

ITBS/Math – 4 th	2002-2004	35.0		3.5	
	2003-2005	39.4	4.4	5.0	1.5
ITBS/Reading – 8 th	2002-2004	19.2		.9	
	2003-2005	21.8	2.6	1.2	.3
ITBS/Math – 8 th	2002-2004	22.6		.9	
	2003-2005	25.6	3.0	1.2	.3
ITBS/Science – 8 th	2002-2004	37.6		1.6	
	2003-2005	40.8	3.2	2.1	.5
ITED/Reading-11th	2002-2004	27.8		1.0	
	2003-2005	28.4	.6	1.0	0
ITED/Math-11th	2002-2004	31.0		1.4	
	2003-2005	31.6	.6	1.8	.4
ITED/Science-11th	2002-2004	35.6		1.6	
	2003-2005	38.4	2.8	1.7	.1

IDE reported the performance of children with disabilities on alternate assessments in its FFY 2003 Part B APR as required; however the disaggregation of data regarding the performance of children with disabilities on alternate assessments was not reported publicly with the State's assessment data. Therefore, the Department of Education imposed special conditions on Iowa's FFY 2005 grant awards under Part B due to IDE's failure to report to the public on the performance of children with disabilities on the alternate assessment. Since the issuance of the grant awards, IDE has posted its FFY 2003 APR on its website. In addition, the required assessment data has been included in the 2005 State Report Card which was published in August 2005 and posted on IDE's website as well as made available in hard copy to the public. OSEP has determined, through its review of the State's written procedures for statewide assessments and the State's reports to the public and the Secretary on the participation and performance of children with disabilities on such assessments, that those procedures, as written, are consistent with Part B requirements. Further, in light of IDE's reporting to the public on the participation and performance of children with disabilities in alternate assessments as of August 2005, OSEP has determined that the Special Conditions imposed on IDE's FFY 2005 Part B grant awards have been satisfied.

Conclusion

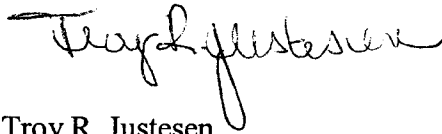
Part B. As noted above, OSEP has found one area of noncompliance that previously was not identified for Part B. OSEP believes that the Special Education monitoring systems for general supervision constitute a reasonable approach to the identification of noncompliance. However, OSEP could not verify that IDE ensures correction of noncompliance as soon as possible, but no later than one year from identification (20 U.S.C. 1232d(b)(3)(E), 20 U.S.C. 1412(a)(11) and 34 CFR §300.600). With its Part B SPP, due December 2, 2005, or within 60 days of the date of this letter, IDE must submit the results of its verification visits ensuring that improvement plans are implemented within a time period not to exceed one year of identification, as well as the analysis of its data tracking the timeliness of completion of corrective actions.

Part C. With respect to timely correction of Part C noncompliance identified by the State, in the Part C SPP, the State must include in response to Indicator #9, monitoring and correction data for

all regions monitored (including Region 14) and provide correction data for when Region 14 resolved all findings of noncompliance. If the data reflect that Region 14 or other regions have not appropriately corrected findings by IDE, IDE must include in the SPP or within 60 days of the date of this letter, its plan with strategies, evidence of change, and targets to ensure the correction of noncompliance identified through its monitoring within one year of its identification. In addition, in the SPP, IDE must confirm that it is providing parents of children enrolled in the EA Part C program with the revised notice that meets the content requirements of 34 CFR §303.403(b).

We appreciate the cooperation and assistance provided by your staff during and before our visit. The time that IDE staff spent in preparing for our visit resulted in a smooth, informative and organized visit. We look forward to our continued collaboration with Iowa to support your work to improve results for children with disabilities and their families.

Sincerely,

A handwritten signature in black ink that reads "Troy R. Justesen". The signature is written in a cursive style with a long, sweeping underline.

Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Lana Michelson