

Archived Information

ENCLOSURE C

SPECIAL CONDITIONS

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)(16)-(17); 34 CFR §§300.137-300.139. 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 Department in the Biennial Performance Report for the 2000-2001 school year, Michigan was not reporting publicly and to the Secretary on the participation and performance of children with disabilities in State and district-wide assessments, including alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Department determined that Michigan had not complied with all the terms and conditions of the Federal Fiscal Year 2001 awards under Part B of IDEA, and, under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department imposed Special Conditions on Michigan's Federal Fiscal Year 2002 and 2003 awards under Part B. The Special Conditions imposed on Michigan's Federal Fiscal Year 2003 awards required that Michigan demonstrate, by May 31, 2004, that it was reporting publicly and to the Secretary on the participation and performance of children with disabilities in regular and alternate assessments, (including the alternate assessment for children with mild cognitive impairments), in the same frequency and detail as nondisabled students, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a).

Michigan's January 29, 2004 progress report indicates that Michigan has developed and administered an alternate assessment for those children with disabilities who cannot participate in the State and district wide assessments. The report indicates that until the MI-Access Phase 2 assessments, which are for students who have, or function as if they have, mild cognitive impairment, are ready for statewide administration; MDE has adopted the BRIGANCE assessments in the content areas of mathematics and English language arts. On June 2, 2004, Michigan submitted its final progress report, which demonstrates that Michigan is reporting publicly and to the Secretary on the participation and performance of children with disabilities who participate in alternate and regular State and district wide assessments. However,

Michigan also reported in the June 2, 2004 submission to OSEP that the State does not report to the public and to the Secretary on the participation and performance of children with disabilities on regular assessments in the same detail as it reports on the regular assessments of nondisabled children. For example, MEAP has four performance categories for non-disabled children, but the demographic reports only provided information on the number of students with disabilities who are proficient. Another example is that the demographic report does not disaggregate the MEAP results for students with disabilities by gender and ethnicity, as it does for nondisabled students. Therefore, the Department is imposing Special Conditions on Michigan's Federal Fiscal Year 2004 awards under Part B.

2. Nature of the Special Conditions

By May 30, 2005, Michigan must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities on regular assessments in the same detail as it reports on the regular assessment of nondisabled children, unless it would result in the disclosure of performance results identifiable to individual children, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). The State must submit information on reporting publicly on the participation and performance of children with disabilities on regular assessments in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.)

The State must:

- a. Submit to OSEP by December 1, 2004, a written plan detailing the steps and timelines for reporting publicly and to the Secretary on the participation and performance of children with disabilities on regular assessments in the same detail as it reports on the regular assessment of nondisabled children, unless it would result in the disclosure of performance results identifiable to individual children by May 30, 2005.
- b. Submit progress reports on January 31, 2005, March 28, 2005, and a final submission on May 30, 2005. The final submission that includes information on reporting publicly on the participation and performance of children with disabilities in regular assessments is to be submitted in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.)

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, Michigan provides documentation, satisfactory to the Department, that it has fully met the requirements to report publicly and to the Secretary on the participation and performance of children with disabilities in

regular assessments. This information is to be submitted in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.)

4. Method of Requesting Reconsideration

The State can write to Dr. Al Jones 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

All reports that are required to be submitted by Michigan to the Department under the Special Conditions should be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Dr. Al Jones, Room 4035
400 Maryland Ave, SW
Washington, DC 20202-2600