



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

February 14, 2003

Mr. Gene Lenz  
Texas Education Agency  
Division of Special Education  
1701 North Congress Avenue  
Austin, Texas 78701-1494

Dear Mr. Lenz:

Your July 1, 2002 grant award under Part B of the Individuals with Disabilities Education Act (IDEA) was issued with Special Conditions related to developing and administering alternate assessments, if necessary and reporting publicly, and to the Secretary, on the participation and performance of children with disabilities on alternate assessments. The Special Conditions stated that the Department would remove the Special Conditions if, at any time prior to the expiration of the grant year, Texas provided documentation, satisfactory to the Department, that it has fully met the above requirement(s). This information was to be submitted on the Biennial Performance Report format provided by OSEP.

Thank you for submitting your documentation on September 30, 2002. The information you have submitted satisfies the requirements of the Special Conditions, which are now removed from your Fiscal Year (FY) Part B of the IDEA grant award. We appreciate your timely submission of information demonstrating your compliance with these important requirements.

Please note that our comments on Texas' compliance with the requirements of 34 CFR §300.139 reflect only the requirements imposed by that section and by the Special Conditions on Texas' FY 2002 grants under Part B of the Individuals with Disabilities Education Act. 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, while the IDEA requires that children with disabilities be included in State and district-wide assessment programs, Title I requires that all children with disabilities be assessed and provides that a school, local education agency (LEA), or State cannot meet the adequate yearly progress requirement unless at least 95 percent of all children with disabilities actually take the assessments that the State uses in its accountability system. Similarly, while IDEA requires States to report biennially to the Secretary and the public on the participation and performance of children with disabilities on the regular and alternate assessments but does not specify when results must be reported, Title I requires that assessment results are available to States and LEAs early enough so that LEAs can identify schools in need of school improvement

before the beginning of the school year following the year that the school did not make adequate yearly progress. This letter does not, and should not be interpreted to, address Texas' compliance with requirements of Title I.

We appreciate your continued commitment to improving results for children and youth with disabilities.

Sincerely,

Stephanie S. Lee  
Director  
Office of Special Education Programs