

## Enclosure D

### 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)(15)-(16). 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 Annual Performance Report for the 2005-2006 school year, American Samoa 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 American Samoa had not complied with all the terms and conditions of prior 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 American Samoa's Federal Fiscal Year 2006 awards under Part B. Those Special Conditions required that American Samoa demonstrate, by June 1, 2007, that it was reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(16)(D). The State was required to submit a progress report on February 1, 2007 with its Annual Performance Report (APR) and a final submission on June 1, 2007.

In the FFY 2005 APR, submitted on February 1, 2007, American Samoa reported that its Leadership Assessment Team was in the process of creating and implementing an alternate assessment against alternate achievement standards. It expected to have a full operational pilot of the alternate in place by April 2007, which would permit reporting of results by the FFY 2006 APR due February 1, 2008. In its final progress report submitted on June 19, 2007, American Samoa stated that it developed an appropriate alternate assessment against alternate achievement standards for grades 3 and 10 in math and reading and that it had administered the alternate assessment to eight 10<sup>th</sup> graders and six 3<sup>rd</sup> graders with significant cognitive disabilities. The Department again imposed Special Conditions on American Samoa's Federal Fiscal Year 2007 awards under Part B. Those Special Conditions required that American Samoa demonstrate, by June 1, 2008, that it was reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(16)(D). In its June 1, 2008, progress report, American Samoa reported it had completed and assessed grades 3, 4, 8, and 10 for students in those grade levels with significant cognitive disabilities using the Alternate Assessment -

Alternate Achievement Standards (AA-AAS) in April 2008. The AS-AAS for grade 5 was completed, but not in time for implementation. American Samoa reported that the Education Leadership Assessment Team continues with the developing the AS-AAS for grades 6 and 7.

The State has not demonstrated that it has met the requirements of 20 U.S.C. 1412(a)(16)(D). Therefore, the Department is imposing Special Conditions on American Samoa's Federal Fiscal Year 2008 awards under Part B.

## **2. Nature of the Special Conditions**

By June 1, 2009, American Samoa must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities in statewide assessments, as required at 20 U.S.C. 1412(a)(16)(D).

The State must:

- Submit a progress report on February 1, 2009 with the Annual Performance Report and a final submission on May 15, 2009.

## **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, American Samoa 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 alternate assessments.

## **4. Method of Requesting Reconsideration**

The State can write to the Office of Special Education Programs Acting Director, William W. Knudsen, at the address below, 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 American Samoa 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. Ken Kienas  
400 Maryland Ave, SW  
Washington, DC 20202-2550