

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)(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 FFY 2003 Annual Performance Report for the 2003-2004 school year, American Samoa is not collecting accurate data and reporting publicly and to the Secretary on the participation and performance of children with disabilities in statewide assessments, including alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Department determined that American Samoa is not complying with all the terms and conditions of awards under Part B of IDEA, and, under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department is imposing Special Conditions on American Samoa's Federal Fiscal Year 2005 award under Part B. Those Special Conditions required that American Samoa demonstrate, by July 1, 2006, that it is collecting accurate data and reporting publicly and to the Secretary on the participation and performance of children with disabilities in assessments, as required at 20 U.S.C. 1412(a)(16)(C). Therefore, the Department is imposing Special Conditions on American Samoa's Federal Fiscal Year 2005 awards under Part B.

2. Nature of the Special Conditions

By July 1, 2006, American Samoa must demonstrate that it is collecting accurate data and 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)(C).

The State must:

- Submit to OSEP by December 2, 2005, a written plan detailing the steps and timelines for collecting accurate data and reporting publicly and to the Secretary on the participation and performance of children with disabilities in assessments by July 1, 2006. The plan must ensure that American Samoa has a system in place for collecting and reporting accurate data on the participation and performance of students with disabilities in statewide assessments, including students who take the alternate assessments; that students with disabilities are assessed in the same grades as nondisabled students; and their participation in such assessments and the results of their assessments are reported with the same frequency and in the same detail as nondisabled students.
- Submit progress reports on February 28, 2006 and April 28 2006, and a final submission on June 1, 2006.

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 develop a system to collect accurate data and report publicly and to the Secretary on the participation and performance of children with disabilities in statewide assessments.

4. Method of Requesting Reconsideration

American Samoa 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 American Samoa 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: Lucille Sleger, Room 4007 PCP
400 Maryland Ave, SW
Washington, DC 20202-2550