

Enclosure D

Special Conditions (Alternate Assessment)

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)(effective July 1, 2005).¹ 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 United States Department of Education (Department) in the Annual Performance Report (APR) for the 2003-2004 school year, Hawaii has not reported to the public and the Secretary, in the same detail and frequency as it reports on nondisabled students, on participation and performance of students with disabilities who took the alternate assessment, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Previously, the Department determined that Hawaii 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 Hawaii's Federal Fiscal Year 2004 award under Part B. Those Special Conditions, hereby incorporated by reference, required that Hawaii demonstrate, by June 15, 2005, that it was reporting publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments in the same detail and frequency as it reports on nondisabled students, as required under 34 CFR §300.139 and 20 U.S.C.

1412(a)(17)(1997).² The State did not meet that timeline and, therefore, has not fully met the FFY 2004 Special Conditions. The State has informed the Department that it believes that by September 1, 2005, it can demonstrate that it has reported publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments consistent with 20 U.S.C. 1412(a)(16)(effective July 1, 2005). Therefore, the Department is imposing Special Conditions on Hawaii's Federal Fiscal Year 2005 awards under Part B.

2. Nature of the Special Conditions

By November 1, 2005, Hawaii must provide documentation that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments, as required by 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

¹ 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, the Title I regulations require, at 34 CFR §200.2(b)(3) and (4), that all State assessments must, "(3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and (ii) Provide coherent information about student attainment of those standards. (4)(i) Be valid and reliable for the purposes for which the assessment system is used; and (ii) Be consistent with relevant, nationally recognized professional and technical standards." This enclosure does not, and should not be interpreted to, address Hawaii's compliance with requirements of Title I.

² See also 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the Special Conditions if, at any time prior to the November 1, 2005 date, Hawaii provides documentation, satisfactory to the Department, that it has fully met the requirements of 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

4. Method of Requesting Reconsideration

The State 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 the State and the reasons for those requested changes.

5. Submission of Reports and Documentation

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

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn: Debra Jennings
400 Maryland Ave, SW
Washington, DC 20202-2550