

## Enclosure D

### Special Conditions (Public Reporting on 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)(16)-(17) (1997) and 20 U.S.C. 1412(a)(15)-(16)(effective July 1, 2005). 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. Under 34 CFR §300.138 and 20 U.S.C. 1412(a)(16) (effective July 1, 2005) States must ensure the public reporting of participation and performance on State and district-wide assessments with the same frequency and detail as reported on assessments of nondisabled children. According to the information reported to the Department in the Annual Performance Report for the 2003-2004 school year Rhode Island is reporting to the Secretary on the participation and performance of children with disabilities in State and district-wide assessments, including alternate assessments, however it is not reporting publicly participation rates for children with disabilities participating in the alternate assessment at the State and district levels as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Department has determined that Rhode Island has not complied with all the terms and conditions of prior grant 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 Rhode Island's Federal Fiscal Year 2005 awards under Part B. Those Special Conditions require that Rhode Island demonstrate, by July 1, 2006 that it is reporting publicly on the participation of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(16). The State has informed the Department of its belief that it will be able to provide documentation by July 1, 2006 on its public reporting of the participation of children with disabilities in alternate assessments.

#### 2. Nature of the Special Conditions

By July 1, 2006, Rhode Island must demonstrate that it is reporting publicly and to the Secretary on the participation of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(16).

The State must:

- Submit to OSEP by September 15, 2006, a written plan detailing the steps and timelines for reporting publicly on the participation of children with disabilities in alternate assessments by July 1, 2006. The plan must ensure be consistent with the requirements of 20 U.S.C. 1412(a)(16) (effective July 1, 2005).
- By July 1, 2006, submit documentation that it has reported publicly on the participation of children with disabilities in alternate assessments as required under 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 expiration of the grant year, Rhode Island provides documentation, satisfactory to the Department, that it has fully met the requirements to report publicly on the participation of children with disabilities in alternate assessments.

### **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 and documentation that are required to be submitted by Rhode Island to the Department under the Special Conditions should be submitted to:

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Attn: Kimberly Mitchell  
400 Maryland Ave, SW - PCP/4010  
Washington, DC 20202-2550