

## 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. 34 CFR §§300.138-300.139; 20 U.S.C. 1412(a)(16) (effective July 1, 2005). The requirements regarding 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. The Department has determined that Utah has not demonstrated compliance with all of the terms and conditions of the Federal Fiscal Year (FFY) 2004 awards under Part B of the IDEA with regard to these requirements, and, under the authority of the Education Department General Administrative Regulations, at 34 CFR §80.12, is imposing Special Conditions on Utah's FFY 2005 grant awards under Part B.

According to the information reported to the Department in the Biennial Performance Report for Part B of the IDEA for grant years 1999-2000 and 2000-2001, Utah 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). As a result, the Department imposed Special Conditions on Utah's FFY 2003 and FFY 2004 awards under Part B. Those Special Conditions required that Utah demonstrate, by July 1, 2004 and July 1, 2005, 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), specifically regarding science assessments. OSEP is imposing Special Conditions on Utah's Federal Fiscal Year 2005 awards under Part B because that issue is not yet fully resolved. OSEP acknowledges, and these Special Conditions are intended to relate directly to, the State's plan and its on-going efforts to resolve this issue. The State has informed the Department that it pilot-tested the alternate science assessment in spring 2005 and will provide documentation by May 30, 2006 that it has reported publicly and to the Secretary on the participation and performance of children with disabilities on the alternate science assessment, as required by 20 U.S.C. 1412(a)(16).

#### 2. Nature of the Special Conditions

By July 1, 2006, Utah must demonstrate that it is reporting publicly, and to the Secretary on the participation and performance of children with disabilities in the alternate science assessment, as required at 20 U.S.C. 1412(a)(16). The State must submit a progress report on January 31, 2006 and a final submission on May 30, 2006. The final submission that includes information on reporting publicly and to the Secretary on the participation and performance of children with disabilities in the alternate science assessment is to be submitted in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>.)

### **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, Utah 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 the alternate science assessment. This information is to be submitted in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/bapr/index.html>.)

### **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**

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

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Attn: Ms. Sheila Friedman  
550 12<sup>th</sup> Street, SW, Room 4169  
Washington, DC 20004