

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 Annual Performance Report for the 2003-2004 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 2005 awards under Part B. Those Special Conditions required that American Samoa demonstrate, by July 1, 2006, that it was 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 was required to submit to OSEP by December 2, 2005, a 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 State also was required to submit progress reports on February 28, 2006 and April 28, 2006 and a final submission on June 1, 2006.

With its State Performance Plan, American Samoa provided a plan and a report on the status of its statewide assessment. The State reported that the alternate assessment was being revised and would be administered in April 2006. The State provided progress reports on February 28, 2006, April 28, 2006, and May 31, 2006. Although the progress reports indicate that American Samoa is making progress on collecting data and reporting publicly and to the Secretary on the participation and performance of children with disabilities in State- and district-wide assessments, including alternate assessments, the State has still not satisfied the Special Conditions. In Progress Report 3, the State indicated that the report was incomplete because the yearly assessments had not yet been scored and the necessary data would not be available until August 2006. Additionally, while the State developed and began implementation of a plan for the alternate assessment, it indicated that quality data

from the alternate assessment would not be available until at least 2007. The State has not yet 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 2006 awards under Part B.

2. Nature of the Special Conditions

By June 1, 2007, 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, 2007 with the Annual Performance Report and a final submission on June 1, 2007.

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 Director, Alexa Posny, 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