

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). 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 1999-2000 and 2000-2001 school year, 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). Therefore, the Department determined that Utah 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 Utah's Federal Fiscal Year 2004 and 2005 awards under Part B. Those Special Conditions required that Utah demonstrate, by July 1, 2005 and July 1, 2006, 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)(D). The State did not meet that timeline and has not yet met the requirements of 20 U.S.C. 1412(a)(16)(D). The State has informed the Department that it will provide documentation by the end of July 2006 that it has reported publicly on the participation and performance of children with disabilities in alternate assessments in science. Therefore, the Department is imposing Special Conditions on Utah's Federal Fiscal Year 2006 awards under Part B.

2. Nature of the Special Conditions

By June 1, 2007 Utah must demonstrate that it is 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)(D).

In accordance with the written plan submitted on April 17, 2006, Utah described the steps and timelines it is taking for reporting publicly and to the Secretary on the participation and performance of children with disabilities in the alternate assessment in science by July 2006. The plan ensures that students with disabilities, including students who take the alternate assessment in science, are assessed in the same grades as nondisabled students and that their participation in such assessments and the results of their assessments are reported with the same frequency and in the same detail as for nondisabled students.

If Utah fails to provide OSEP with the required documentation, Utah must submit progress reports on February 1, 2007 with the State Performance Plan 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, 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 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 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: Sheila Friedman
400 Maryland Ave, SW
Washington, DC 20202-2550