

Enclosure D

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 2005-2006 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 2006 awards under Part B. Those Special Conditions required that American Samoa demonstrate, by June 1, 2007, 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 was required to submit a progress report on February 1, 2007 with its Annual Performance Report (APR) and a final submission on June 1, 2007. In the FFY 2005 APR, submitted on February 1, 2007, American Samoa reported that its Leadership Assessment Team was still in the process of creating and implementing an alternate assessment against alternate achievement standards. It expected to have a full operational pilot of the alternate in place by April 2007, which would permit reporting of results by the FFY 2006 APR due February 1, 2008. In its final progress report submitted on June 19, 2007, American Samoa stated that it has developed an appropriate alternate assessment that is aligned to alternate achievement standards for grades 3 and 10 in math and reading and that it had administered the alternate assessment to eight 10th graders and six 3rd graders with significant cognitive disabilities. The results of the alternate assessment will be shared at the Pohnpei conference in July 2007.

The State has not demonstrated that it has 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 2007 awards under Part B.

2. Nature of the Special Conditions

By June 1, 2008, 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, 2008 with the Annual Performance Report and a final submission on June 1, 2008.

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, Patricia Guard, 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