

## Enclosure B

### 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)(16)-(17); 34 CFR §§300.137-300.139. 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 the Commonwealth of the Northern Mariana Islands is not developing and administering alternate assessments for children with disabilities in *grades 10 and 11* and reporting on their participation and performance publicly, and to the Secretary, with the same frequency and in the same detail as for nondisabled children in grades 10 and 11, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Commonwealth of the Northern Mariana Islands has not complied with all the terms and conditions of the Federal Fiscal Year 2001 awards under Part B of IDEA. Under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department is imposing these Special Conditions on the Commonwealth of the Northern Mariana Islands Federal Fiscal Year 2002 awards under Part B of the IDEA.

#### 2. Nature of the Special Conditions

By May 30, 2003, the Commonwealth of the Northern Mariana Islands must demonstrate that it is developing and administering alternate assessments for children with disabilities in *grades 10 and 11* and reporting on their participation and performance publicly, and to the Secretary, with the same frequency and in the same detail as for nondisabled children in grades 10 and 11 as required at 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139.

a. By September 30, 2002, the Commonwealth of the Northern Mariana Islands will submit a plan detailing the steps and timelines for ensuring that *all* children with disabilities in *grades 10 and 11* participate in Statewide assessment systems by May 30, 2003. The plan must ensure that children with disabilities who take the alternate assessment, are assessed in the same grades as nondisabled children and that the results

of their assessments are reported publicly, and to the Secretary, with the same frequency and in the same detail as nondisabled children.

b. The Commonwealth of the Northern Mariana Islands will submit progress reports on November 29, 2002, January 31, 2003, March 28, 2003 and the final submission due on May 30, 2003. The final submission that includes information on developing and administering alternate assessments for children with disabilities in *grades 10 and 11*, and reporting on their participation and performance publicly, and to the Secretary, with the same frequency and in the same detail as for nondisabled children, is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

### **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, the Commonwealth of the Northern Mariana Islands provides documentation, satisfactory to the Department, that it has fully met the requirements to develop and administer alternate assessments for children with disabilities in *grades 10 and 11*, and report on their participation and performance publicly, and to the Secretary, with the same frequency and in the same detail as for nondisabled children in grades 10 and 11. This information is to be submitted on the Biennial Performance Report format provided by OSEP.

(This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

### **4. Method of Requesting Reconsideration**

The Commonwealth of the Northern Mariana Islands can write to Assistant Secretary Robert H. Pasternack if it wishes the Department to reconsider any aspect of these Special Conditions. Any request of this sort should 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 the Commonwealth of the Northern Mariana Islands to the Department under the Special Conditions should be submitted to:

Ms. Lucille Sleger  
Office of Special Education Programs  
330 C Street SW, Room 3615  
Washington, DC 20202