

# Archived Information

## 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 in the Biennial Performance Report for the 2000-2001 school year, Guam was not reporting on the participation and performance of children with disabilities on alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, the Department determined that Guam had not complied with all the terms and conditions of the Federal Fiscal Year 2001 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 Guam's Federal Fiscal Year 2003 awards under Part B. Those Special Conditions required that Guam demonstrate, by May 31, 2004, 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)(17) and 34 CFR §300.139(a). Guam did not meet that timeline and has not yet met the requirements of 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). During OSEP's verification visit to Guam, it was brought to OSEP's attention that the SAT-9 Alternate Assessment reported in Tables 50, 51, 52, 53, 54, and 55, of the Annual School Program Report, is the SAT-9 with accommodations and modifications, and that the alternate assessment for children with disabilities who cannot take the State-wide assessment, i.e., the SAT-9, is an individualized education program (IEP)-based alternate assessment that is a portfolio review aligned with the child's IEP. Guam has not reported publicly or to the Secretary on the participation or performance of students with disabilities taking the IEP-based alternate assessment. Therefore, the Department is imposing Special Conditions on Guam's Federal Fiscal Year 2004 awards under Part B.

#### 2. Nature of the Special Conditions

Guam must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities taking the IEP-based alternate assessment, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a). Guam must

submit information on reporting publicly on the participation and performance of children with disabilities in State-wide assessments in the Annual Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/policy/speced/guid/idea/monitor/index.html>.)

Guam must:

- a. Submit to OSEP by December 30, 2004, a written plan detailing the steps and timelines for reporting publicly and to the Secretary on the participation and performance of children with disabilities taking the IEP-based alternate assessment by May 30, 2005. The plan must ensure that students with disabilities, including students who take the alternate assessment, 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 nondisabled students; and
- b. Submit progress reports on January 31, 2005, March 28, 2005, and a final submission on May 30, 2005. The final submission that includes information on reporting publicly on the participation and performance of children with disabilities on the IEP-based alternate 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/monitor/index.html>.) Performance of children with disabilities should only be reported if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.

### **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, Guam 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 State-wide assessments, including children with disabilities who had alternate assessments. 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/monitor/index.html>.)

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

Guam can write to Ms. Judith Gregorian 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 Guam and the reasons for those requested changes.

**5. Submission of Reports**

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

Ms. Judith Gregorian  
Office of Special Education Programs  
U.S. Department of Education  
Room PCP 4034  
400 Maryland Avenue, SW  
Washington, DC 20202-2640