

## Enclosure E

### Special Conditions on Reporting on the 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)(effective July 1, 2005).<sup>1</sup> 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 2001-2002 school year and, through careful review of PRDE's web site on July 1, 2005 by OSEP staff with PRDE staff, PRDE is not reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required by Part B of the Individuals with Disabilities Education Act (IDEA). Therefore, pursuant to 34 CFR §80.12, the Department is imposing Special Conditions on PRDE's Federal Fiscal Year 2005 awards under Part B.

#### 2. Nature of the Special Conditions

By May 30, 2006, PRDE must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments, as required by 20 U.S.C. 1412(a)(16)(effective July 1, 2005).

The State must submit to OSEP, by December 3, 2005 in the State Performance Plan, a written plan detailing the steps and timelines for reporting publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments by May 30, 2006. The plan must ensure that students with disabilities who take the alternate assessment, are assessed in the same grades as students taking the regular assessment 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.

#### 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, PRDE provides documentation, satisfactory to the Department, that it has fully met

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<sup>1</sup> Title I of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, also includes a number of requirements related to including children with disabilities in State assessment programs and reporting on their participation and performance on regular and alternate assessments that in many instances are more specific than requirements in the IDEA. For example, the Title I regulations require, at 34 CFR §200.2(b)(3) and (4), that all State assessments must, "(3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and (ii) Provide coherent information about student attainment of those standards. (4)(i) Be valid and reliable for the purposes for which the assessment system is used; and (ii) Be consistent with relevant, nationally recognized professional and technical standards." This enclosure does not, and should not be interpreted to, address Puerto Rico's compliance with requirements of Title I.

the requirements to report publicly and to the Secretary on the participation and performance of children with disabilities on alternate assessments.

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

The State can write to Troy R. Justesen 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 and Documentation**

All reports and documentation that are required to be submitted to the Department under these Special Conditions should be submitted to:

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Attn: Paul Steenan  
400 Maryland Ave, SW  
Washington, DC 20202-2550