



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 11 2005

Honorable Nena S. Nena
Secretary of Health, Education, and Social Services
Federated States of Micronesia
P. O. Box PS 70
Palikir, Pohnpei State, FM 96941

Dear Secretary Nena:

This is to inform you that we have conditionally approved the Federated States of Micronesia's Eligibility Documents, including assurances and certifications, for Federal Fiscal Year (FFY) 2005 under Part B of the Individuals with Disabilities Education Act (IDEA). Our determination that you are eligible for conditional approval is based on our receipt of the Federated States of Micronesia's application submitted by the Department of Health, Education, and Social Affairs to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 4, 2005, and amended on June 9, 2005 (Assurances) and June 27, 2005 (Certifications) in which it assures that it will:

1. Operate consistent with all requirements of PL 108-446 and applicable regulations; and
2. Make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of Part B of the IDEA, as amended, as soon as possible, and not later than July 1, 2006. Section II of the Federated States of Micronesia's application (which is incorporated by reference and enclosed with this grant letter) identifies the IDEA statutory sections for which the Federated States of Micronesia needs to amend policies and procedures and the timelines by which the Federated States of Micronesia will amend its policies and procedures in order to comply with Part B of the IDEA. Within Section II, the Federated States of Micronesia has included the date by which it expects to complete necessary changes associated with any policies and procedures that are not yet in compliance with the requirements of Part B of the IDEA, as amended.

Our determination of conditional approval is also based upon OSEP's receipt of supporting documents required to resolve outstanding items on the issues chart for the Part B Eligibility Document Submission for FFY 2002 that the Federated States of Micronesia submitted to OSEP in its April 4, 2005 progress report. In response to OSEP's June 23, 2004 comments regarding the Federated States of Micronesia's March 25, 2004 progress report and to OSEP's April 11, 2005 comments regarding the Federated States of Micronesia's April 4, 2005 progress report, the Federated States of Micronesia must provide copies of the documents referenced in OSEP's June 23, 2004 comments, as soon as they are available but not later than July 1, 2006, for the following items: §§300.121(a), 300.122(a), 300.138(b)(1) and 300.138(b)(2).

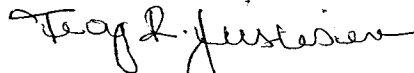
Please note that as part of your Eligibility Documents for FFY 2005, the Federated States of Micronesia has made an assurance, under 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. Any changes made by the Federated States of Micronesia, after OSEP approval, to policies and procedures needed to comply with Part B of the IDEA, must meet the applicable public participation requirements, including those in 20 U.S.C. 1232d(b)(7).

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Enclosed is a grant award for funds currently available under the Department of Education FFY 2005 Appropriations Act for the Part B Section 611 (Grants to States) program. These funds are for use primarily in school year 2005-2006 and are available for obligation from July 1, 2005 through September 30, 2007.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

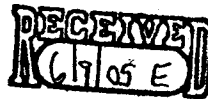


Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

cc: Mr. Makir Keller

Section II

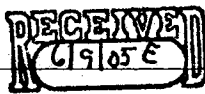


A. Assurances

The State makes the following assurances and provisions as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419)

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
XX		1. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.
XX		2. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1).
XX		3. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal (20 U.S.C. 1412(a)(2)).
XX		4. All children with disabilities residing the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3).
	XX 6/25/06	5. An individualized education program, or an individualized family service plan that meets the requirements of 20 U.S.C. 1436(d), is developed, reviewed, and revised for each child with a disability in accordance with 20 U.S.C. 1414(d). (20 U.S.C. 1412(a)(4))





Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
XX		6. To the maximum extent appropriate, children-with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B).
	XX 6/25/06	7. Children with disabilities and their parents are afforded the procedural safeguards required by 20 U.S.C. 1415 and in accordance with 20 U.S.C. 1412(a)(6).
	XX 6/25/06	8. Children with disabilities are evaluated in accordance with subsections (a) through (c) of 20 U.S.C. 1414. (20 U.S.C. 1412(a)(7))
XX		9. Agencies in the State comply with 20 U.S.C. 1417(c) (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8))
XX		10 Children participating in early intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with 20 U.S.C. 1437(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 20 U.S.C. 1414(d)(2)(B) and 20 U.S.C. 1436(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under 20 U.S.C. 1435(a)(10). (20 U.S.C. 1412(a)(9))
	XX 6/25/06	11. To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 20 U.S.C. 1412(a)(10)(A)-(C) unless the Secretary has arranged for services to those children under subsection (f) [By pass].
	XX 6/25/06	12. The State educational agency is responsible for ensuring that the requirements of part B are met according to 20 U.S.C. 1412(a)(11)(A)-(C).



Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
	XX 6/25/06	13. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) of 20 U.S.C. 1412(a)(12) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C).
XX		14. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13))
	XX 6/25/06	15. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E).
	XX 6/25/06	16. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C).
	XX 6/25/06	17. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E).
XX		18. Funds paid to a State under this part will be expended in accordance with all the provisions of part B including 20 U.S.C. 1412(a)(17)(A)-(C).
XX		19. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year in accordance with 20 U.S.C. 1412(a)(18)(A)-(D).

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
XX		20. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19))
	XX 6/25/06	21. In complying with 20 U.S.C. 1412(a)(17) and (18), a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20))
	XX 6/25/06	22. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D)).
	XX 6/25/06	23. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B).
	XX 6/25/06	24. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A)-(E).
	XX 6/25/06	25. The State has in effect, consistent with the purposes of the IDEA and with 20 U.S.C. 1418(d), policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 20 U.S.C. 1401. (20 U.S.C 1412(a)(24))
	XX 6/25/06	26. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation under subsection (a) or (c) of 20 U.S.C. 1414, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B).

Check and enter date(s) as applicable		Assurances (20 U.S.C. 1411-1419)
Yes (Assurance is given.)	No (Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)	
XX		27. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under 20 U.S.C. 1413 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3).
XX		28. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3))
XX		29. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702.)
XX		30. The State will continue to comply with the regulations that are still applicable and currently in place.

B. Certifications

The State Educational Agency is providing the following certifications:

Yes	
XX	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
XX	<p>2. The State certifies that certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
XX	<p>3. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1).</p>