



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

Honorable Rita H. Inos  
Commissioner of Education  
CNMI Public School System  
P.O. Box 50130 CK  
Saipan, MP 96950

MAR -7 2005

Dear Commissioner Inos:

The purpose of this letter is to respond to the Commonwealth of Northern Mariana Islands' (CNMI's) May 2003 Self-Assessment, that was developed in conjunction with CNMI's Steering Committee, the June 30, 2003 submission of its Federal Fiscal Year (FFY) 2001 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part C funds used during the grant period July 1, 2001 through June 30, 2002, and the March 25, 2004 submission of CNMI's FFY 2002 APR for IDEA Part C funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by CNMI during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and territories, and result in high quality information across States and territories.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by OSEP within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of CIFMS into one document. OSEP's Memorandum regarding the submission of Part C APRs directed CNMI to address five cluster areas: General Supervision; Comprehensive Public Awareness and Child Find System; Family Centered Services; Early Intervention Services in Natural Environments; and Early Childhood Transition.

### ***Background***

In its review of CNMI's Self-Assessment, the FFY 2001 APR and the FFY 2002 APR, OSEP identified the following two areas of noncompliance: (1) six-month individualized family service plan (IFSP) reviews were not completed within required timelines (page 64) (see 34 CFR §303.342(b)); and (2) annual IFSP meetings were not held as required by 34 CFR §303.343(a). In addition, the Self-Assessment and the FFY 2001 and FFY 2002 APRs raised concerns about potential noncompliance in the following five areas: (1) existing interagency agreements may be outdated, and should be reviewed and revised (pages 25 and 26) (see 34 CFR §303.523); (2) lack of a formal monitoring system (see 34 CFR §303.501); (3) initial IFSP meetings were not convened within 45-days of the child's referral to Part C (page 58) (see 34 CFR §§303.321(e)(2),

303.322(e)(1)) and 303.342(a)); (4) transition planning did not occur in a timely manner (see 34 CFR §303.148(b) and (5) IFSP files showed that the early intervention services listed on the IFSP were not actually provided (see 34 CFR §303.340(c)).

OSEP will visit CNMI in March 2005 to verify the effectiveness of CNMI's systems for general supervision and the collection of data under Section 618 of IDEA. OSEP will provide CNMI with a letter summarizing the results of the verification visit following the visit.

CNMI's APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas. OSEP's comments regarding CNMI's May 2003 Self-Assessment, CNMI's FFY 2001 APR, and CNMI's FFY 2002 APR are listed by cluster area.

### ***General Supervision***

#### **Timely Identification and Correction of Noncompliance**

On page 23 of the Self-Assessment, CNMI identified formal monitoring as an area of noncompliance. On page 3 of the FFY 2001 APR, CNMI stated that it initiated State-level monitoring, and hired an independent contractor to prepare a formal monitoring report. On page 6 of the FFY 2001 APR, CNMI reported that the Early Intervention System staff conducted informal monitoring activities. On page 7 of the FFY 2002 APR, CNMI reported that although the Early Intervention System conducted monitoring activities at the State level, CNMI did not have a monitoring system in place that utilized a variety of data sources to identify noncompliance, deficiencies and systemic issues. CNMI stated that it would expand the monitoring system to include additional data requirements and analysis. On page 4 of the FFY 2002 APR, CNMI stated that, by March 2004, it would have "standard operating monitoring and compliance procedures to include effectiveness of services through identification of child count and IDEA procedural compliance requirements." On page 12 of the FFY 2002 APR, CNMI stated that there was a need to incorporate early intervention information into the Pacific Education Management System, a data management system currently used for CNMI's education data needs, and to establish baseline data to verify and validate information collected through monitoring.

From the information in the FFY 2002 APR, OSEP cannot determine whether CNMI has a general supervision and monitoring system in place that is reasonably designed to identify and correct noncompliance. OSEP will conduct a verification visit in March 2005 to CNMI to review CNMI's general supervision systems, including monitoring, and will respond under separate cover after that visit regarding those systems.

The Self-Assessment and FFY 2001 and FFY 2002 APRs stated that CNMI's monitoring system was not fully effective in meeting general supervisory and monitoring requirements of 34 CFR §303.501. CNMI identified some strategies but must within 60 days from the date of this letter include strategies, evidence of change, and timelines for monitoring, including a date when CNMI will begin formal on-site compliance monitoring. CNMI must include in its strategies when monitoring instruments and procedures will be developed and implemented, including a

monitoring schedule, to ensure that: (1) monitoring is effective in identifying and correcting noncompliance in a timely manner to ensure compliance with Part C requirements; (2) enforcement actions are used when necessary to address persistent deficiencies; (3) the information collected through monitoring is used to effect systems change; and (4) a system is in place to collect data to verify and validate information collected through monitoring. CNMI must provide, as part of its monitoring improvement plan reporting to OSEP, results of its monitoring findings and include information and data about Part C requirements for six-month IFSP reviews and annual IFSP meetings (34 CFR §§303.342(b) and 303.343(a)).

### Interagency Agreements

On pages 25 and 26 of the Self-Assessment, CNMI stated that existing interagency agreements needed to be updated and should be reviewed and, if necessary, revised. On page 9 of the FFY 2002 APR, CNMI stated that there is an interagency agreement with the Department of Health on Saipan, but not in Rota and Tinian. On page 14 of the FFY 2001 APR, CNMI stated that it planned to review the interagency agreement signed by the Commissioners of Education and the Department of Public Health. On page 11 of the FFY 2002 APR, CNMI provided a timeline for implementing a coordinated system of services through effective interagency agreements and other mechanisms by December 2004 in order to meet the requirements of 34 CFR §303.523.

On page 11 of the FFY 2002 APR, CNMI established strategies to have interagency agreements with the Departments of Public Health on Rota and Tinian by March 2004, and to revise the Memorandum of Understanding (MOA) between the Department of Public Health and the CNMI Public School System by June 2004. OSEP accepts these strategies. In the FFY 2003 APR, due within 60 days of the date of this letter, CNMI must confirm whether MOAs with the Departments of Public Health on Rota and Tinian have been executed and, if so, submit copies of the signed interagency agreements.

### Other Data

On page 8 of the FFY 2002 APR, CNMI stated that complaints were investigated and reviews were completed in a timely manner, but CNMI did not address mediations and due process hearings because none were requested. On page 10 of the FFY 2002 APR, CNMI provided information about the teachers and related service providers who provided early intervention services, and stated that there were a sufficient number of qualified service providers. In both instances, CNMI included targets, an explanation of progress or slippage, activities, and timelines and resources. OSEP looks forward to reviewing the impact of CNMI's proposed activities in the FFY 2003 APR.

### ***Comprehensive Public Awareness and Child Find System***

#### Child Find Activities

In the FFY 2001 APR, CNMI did not provide baseline data or describe strategies to ensure that child find and public awareness activities were implemented to meet the requirements of 34 CFR §§303.320-303.321. On pages 19 through 21 of the FFY 2001 APR, CNMI included activities to

increase child find and public awareness results for children and their families, including outreach activities for: (1) families from diverse cultures living in CNMI who may be unserved or underserved; (2) private health clinics that provide health services to families; and (3) families with children below the age of one year. In addition, on pages 21 and 23 of the FFY 2001 APR, CNMI identified the need to initiate hearing screenings for newborns and to implement a tracking system for children whose families declined services. Data showed that from July 2002 to June 2003, 98.7% of babies born in CNMI were screened to identify a hearing loss, and in July 2003 to December 2003, 98.2% of babies were screened to identify a hearing loss.

In the FFY 2002 APR, CNMI provided the following additional information about its progress in child find and public awareness activities: (1) baseline data regarding underserved children from its two indigenous populations and children from other ethnic backgrounds residing in CNMI, showed an increase in the number of ethnic groups served (page 15), but public awareness activities were not translated (page 17); (2) pediatricians were distributing early intervention checklists at six-month checkups (page 17), but because the screening of children at ages 18-30 months was not *as* successful, CNMI proposed developing a policy requiring developmental screening for that age group (page 17); (3) referrals of “high risk” children increased by 4% in 2003 (page 20); (4) 98% of newborns were screened for hearing (page 20); (5) the Early Intervention System did not broaden its “at-risk” category, so children who would have been identified in some States were not identified in CNMI (page 21); and (6) data showed that CNMI was still below the national average for serving children from birth to age one year (page 15).

#### Child Find Goal

On page 17 of the FFY 2002 APR, CNMI identified a child find goal to increase by 2%, the identification of children under the age of three by December 2004. While it is not inconsistent with Part C of IDEA to include a numerical goal to increase the percentages of infants and toddlers with disabilities determined eligible for services, setting a numerical goal raises concerns that eligibility decisions for all infants and toddlers are not made in conformity with the individual evaluation and assessment requirements of Part C of IDEA (at 34 CFR §§303.320 through 303.323), but are based upon a numerical goal. CNMI must monitor to ensure that eligibility decisions for all infants and toddlers are made in conformity with the individual evaluation and assessment requirements of Part C of IDEA (at 34 CFR §§303.320 and 303.323) and not based upon a numerical goal. In addition, CNMI must ensure that it does not find provider programs out of compliance for failing to meet a particular numerical goal when eligibility decisions are made consistent with Part C.

On page 17 of the FFY 2002 APR, CNMI also included a goal to “increase the unserved and underserved populations comparable to ethnic distribution.” The use of a goal for a racial or ethnic subgroup is inconsistent with Federal law. The State may want to examine whether and why infants and toddlers with disabilities in certain subpopulations were not referred, identified and/or determined eligible for services under Part C; however, under Title VI of the Civil Rights Act, it must do so in a race-neutral manner without the use of race- or ethnic-specific goals. This goal must be deleted in the next APR.

### Translation of Public Awareness Information

Page 17 of the FFY 2002 APR stated: “Public Awareness materials have not been translated into any languages to date.” This is not consistent with the Part C requirements at 34 CFR §§303.128, 303.164 and 303.320. Page 17 of the FFY 2002 APR further states that the Steering Committee has incorporated strategies for translations and established a target to have translations by March 2003.

Within 60 days of the date of this letter, CNMI must submit to OSEP: (1) evidence that CNMI has determined which translations were needed and now translates public awareness activities into those languages; or (2) a plan with strategies, proposed evidence of change, targets, and timelines designed to ensure correction of this noncompliance within a reasonable period of time, not to exceed one year from the date when OSEP accepts the plan.

### *Family Centered Services*

#### Analysis of Data

CNMI collected information from parents regarding Part C services through a parent survey. On page 25 of the FFY 2001 APR, CNMI reported that the parent surveys did not provide baseline data about family centered services because there were not specific questions regarding supports, services, resources, and whether parents accessed services. On page 26 of the FFY 2001 APR, CNMI proposed activities for collecting, compiling, analyzing, and using data to plan parent support and training activities. On pages 22 through 26 of the FFY 2002 APR, CNMI provided data on parental responses to the Part C parent survey forms regarding the implementation of early intervention activities, and the effect that they had on implementing the Part C program. On page 22 of the FFY 2002 APR, CNMI stated that the parent survey showed: (1) 96.6% of parents felt that early intervention staff made suggestions that helped to meet the needs of their child; (2) 76.3% of parents stated that early intervention services changed with their child's needs; and (3) 91.6% of parents felt that early intervention services helped them with their issues regarding the needs of their child.

OSEP looks forward to reviewing in the next APR CNMI's efforts to ensure compliance and improve performance in this cluster area.

### *Early Intervention Services in Natural Environments*

The information and data in the Self-Assessment and FFY 2001 and FFY 2002 APRs indicated noncompliance with two Part C requirements: (1) six-month IFSP reviews were not timely completed as required by 34 CFR §303.342(b)); and (2) annual IFSP meetings were not held as required by 34 CFR §303.343(a). In addition, the Self-Assessment and FFY 2001 and FFY 2002 APRs raised concerns about potential noncompliance in the following two Part C requirements in this cluster area: (1) evaluations and assessments and initial IFSP meetings were not conducted within 45-days of the child's referral under 34 CFR §§303.321(e)(2), 303.322(e)(1) and 303.342(a); and (2) eligible children and families did not receive the early intervention services identified on child's IFSP as required by 34 CFR §303.340(c). In addition, CNMI reported on

data on two performance areas: (1) early childhood outcomes and (2) natural environments.

### Six-Month IFSP Review

As required by 34 CFR §303.342(b), a review of an IFSP for a child and the child's family must be conducted every six months or more frequently if conditions warrant. Page 64 of the Self-Assessment stated that a review of IFSPs showed that six-month reviews were not completed within the required timelines, and identified this as an area of noncompliance. On page 37 of the FFY 2002 APR, CNMI stated that, because the six-month review of IFSPs was an area of noncompliance in the FFY 2001 APR, this issue was selected as an indicator for compliance under the General Supervision cluster. On page 3 of the FFY 2002 APR, CNMI provided data showing that six-month IFSP reviews increased from 30% in 2000 to 60% in 2001 and then to 66% in 2002. There was a decrease to 50% in 2003 and no explanation of this slippage.

CNMI did not include, in the FFY 2002 APR, strategies, evidence of change, targets and timelines that would ensure correction of the noncompliance in this area within a reasonable period of time. Therefore, CNMI must submit a plan to OSEP within 60 days of the date of this letter, including strategies, proposed evidence of change, targets, and timelines designed to ensure that six month IFSP reviews are held and documented (as required by 34 CFR §303.342(b)) within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan.

### Annual IFSP Meeting

The Part C requirement at 34 CFR §303.342(c) states that an annual meeting must be conducted to evaluate the IFSP for a child and the child's family. Page 3 of the FFY 2002 APR included data showing that 33% of IFSPs were reviewed annually in 2000, 23% of IFSPs were reviewed annually in 20001, and only 12% of IFSPs were reviewed annually in 2002. This demonstrated a significant slippage from 1998 when 60% of IFSPs were reported by CNMI as being reviewed annually. No data was provided for 2003. CNMI must submit a plan to OSEP within 60 days of the date of this letter, including strategies, proposed evidence of change, targets, and timelines designed to ensure correction of noncompliance within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan.

### 45-Day Timeline

Part C requires that, within 45 days after receipt of a referral, the lead agency ensures that an evaluation and assessment are conducted and the initial IFSP meeting held (34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a)). Page 58 of the Self-Assessment indicated that 32% of IFSPs were not "developed" within the 45-day timeline, and identified this as an area of noncompliance. On page 30 of the FFY 2001 APR, CNMI stated that over 50% of IFSPs had been developed after the 45-day timeline. On page 2 of the FFY 2002 APR, CNMI stated that IFSPs were developed within timelines 44% of the time in 2001, 62% in 2002, and to 70% in 2003. However, the range of days that the timeline was exceeded in 2003 was from 5 to 256 days, with an average of 63 days over the timeline. In 2002, the timeline was exceeded by an average of 48 days, and in 2001, the timeline was exceeded by an average of 40 days.

OSEP cannot determine if CNMI requires that the IFSP be developed at the initial IFSP meeting and whether the data reported confirm that the initial IFSP meeting is conducted (not that the IFSP is developed) within the 45-day timeline. In addition, OSEP cannot determine how and whether CNMI accounts for any time lags due to family or child circumstances outside the lead agency's control.

On page 32 of the FFY 2002 APR, CNMI stated that it planned to improve its tracking system in order to document the chronology from a referral to an IFSP meeting. On page 30 of the FFY 2002 APR, CNMI established a target to have all initial IFSP meetings convened within the 45-day timeline by June 2004. However, CNMI did not include strategies that would address the root causes of the noncompliance with the 45-day timeline. Within 60 days from the date of this letter, CNMI must confirm whether the data reported in the FFY 2001 and FFY 2002 APR represent data regarding whether the evaluation and assessment and initial IFSP meeting is held within 45 days from referral, and if this is noncompliance. If the data indicate noncompliance, CNMI must also submit within 60 days from the date of this letter, its plan to correct the noncompliance within a reasonable time period, not to exceed one year from the date when OSEP accepts the plan. If data are not available on the initial IFSP meeting, CNMI must include data on evaluations and assessments within the 45-day timeline and its plan to ensure how data will be obtained to enable CNMI to determine compliance or noncompliance.

#### Implementation of IFSPs

As required by 34 CFR §303.340(c), the Lead Agency is responsible for ensuring that an IFSP is developed and implemented for each eligible child. On page 41 of the Self-Assessment, CNMI reported that less than 30% of the files demonstrated that the service delivery on IFSPs matched the log for services actually provided. On page 37 of the FFY 2001 APR, 96% of parents agreed that supports and services were provided according to their IFSP, but there was no data available to demonstrate what percentage of children received all of the services in their IFSP. On page 31 of the FFY 2002 APR, CNMI provided data for the period of time from 2000 through 2002 showing that 15% of IFSPs did not reflect the families needs, concerns, and priorities, and that less than 30% of the service delivery logs matched the needs, concerns and priorities listed on IFSPs. On page 31 of the FFY 2002 APR, CNMI established a target that families would receive 80% of the services listed on the IFSP by May 2004, and that 100% of families would receive the services listed on the IFSPs by June 2004. Although the data provided did not clearly indicate whether Part C services were provided to eligible children and their families, CNMI included in its FFY 2002 APR a plan to address this area of potential noncompliance.

On page 32 of the FFY 2002 APR, CNMI provided the following strategies for achieving compliance in this area: (1) IFSPs would be reviewed by early intervention providers, and staff development would focus on how to write assessment reports and IFSP child and family outcomes that directly relate to the family's needs, priorities, and concerns; and (2) there would be a monthly review of IFSP Services Profiles to determine if families were receiving the services described on the IFSPs. On page 34 of the FFY 2002 APR, CNMI stated that it planned to: (1) establish baseline data to determine the percentage of children and families who receive all services on their IFSPs; and (2) develop guidelines for obtaining make-up services that were missed and for assisting families to access services and supports. OSEP accepts these strategies.

CNMI must provide to OSEP by August 1, 2005 its baseline and evidence of change/correction data and information demonstrating completion of strategies to address this requirement and correction of noncompliance. If the data demonstrate continued noncompliance, CNMI must include in that report: (1) its plan with additional or revised strategies; and (2) proposed evidence of change, targets, and timelines to ensure compliance as soon as possible.

#### Child Outcome Data

The Part C FFY 2001 and FFY 2002 APRs requested data on the percentage of children participating in the Part C program that demonstrated improved and sustained functional abilities (in the developmental areas listed in 34 CFR §300.322(c)(3)(ii)). On page 33 of the FFY 2001 APR, CNMI reported that data about children who demonstrated improved and sustained functional abilities were not available. On page 33 of the FFY 2001 APR, CNMI reported that a review of exiting data showed few children reached a developmental level appropriate to their age prior to exiting early intervention services, and CNMI established a target to have procedures to collect and analyze data in place by August 2003. On page 37 of the FFY 2002 APR, CNMI reported that relatively new baseline data was being established, and that CNMI was still determining how best to measure outcomes. CNMI measured sustained functional abilities through the percentage of outcomes met, and on page 37 of the FFY 2002 APR, CNMI provided data on outcomes, showing that not all outcomes were met. In the FFY 2003 APR, CNMI must provide either: (1) data (whether collected through sampling, monitoring, or other methods) and describe the method used for collecting and analyzing data; or (2) its plan to collect and report such data to OSEP by the FFY 2004 APR that demonstrate how children participating in the Part C program demonstrate improved and sustained functional abilities in the five developmental areas.

#### Natural Environments and Other Data

On page 35 of the FFY 2002 APR, CNMI provided data showing that in 2002, 98% of children were served at home or in the natural environment, and of that number, 90% were served at home. On pages 28 and 29 of the FFY 2002 APR, CNMI provided data and information about service coordinators and the provision of timely, ongoing early intervention services, and stated that overall, families have access to service coordinators who facilitate the provision of ongoing and timely services in the natural environment. CNMI included targets, explanation of progress or slippage, activities, timelines, and resources. OSEP looks forward to reviewing the impact of CNMI's strategies in the FFY 2003 APR.

#### ***Early Childhood Transition***

On page 68 of the Self-Assessment, CNMI reported that transition planning did not occur in a timely manner and most transition meetings did not occur until one to five weeks before the child's third birthday. Transition planning was identified as an area of noncompliance. The FFY 2001 APR did not provide baseline data regarding the provision of a smooth and effective transition from Part C services as required by 34 CFR §303.148(b). On page 38 of the FY 2001 APR, CNMI reported that it did not collect and track data to analyze whether Part B-eligible children received Part B services by their third birthdays. On pages 3 and 39 of the FFY 2002



APR, CNMI provided data about transition planning activities. The data on page 3 stated: that after reviewing 71% of the files in 2000-2001, 17% of the transition plans were developed within 90 days; and after reviewing 77% of the files in 2001-2002, 20% of transition plans were developed within 90 days. On page 41 of the FFY 2002 APR, CNMI established a target date of June 2004 to have 100% of all eligible children receive transition planning at least 90 days prior to the child's third birthday.

Part C regulations require that: (1) in the case of a child who may be eligible for preschool services under Part B, the lead agency, with the approval of the family, must convene a conference among the lead agency, the family, and the local educational agency at least 90 days before the child is eligible for preschool services, to discuss any services that the child may receive and (2) the lead agency must establish a transition plan. See 34 CFR §§303.148(b)(2)(i) and (b)(4) and 303.344(h). CNMI reported data on whether eligible children had transition plans developed 90 days prior to their third birthday. There is no requirement in Part C that the transition plan be established 90 days prior to the third birthday. The 90-day requirement applies to convening the transition conference for children potentially eligible under Part B.

However, CNMI included in its FFY 2002 APR strategies to address the potential area of noncompliance. On page 41 of the FFY 2002 APR, CNMI established strategies, with a target date of June 2004, to: (1) design a booklet explaining the transition process to staff and parents in order to facilitate the transition process; (2) share Part C data on referral information with Part B staff; (3) train staff in the use of the Transition Planning Checklist and the Transition Booklet for Parents; (4) ensure that the Service Coordinators' monthly calendar of activities included transition planning; (5) monitor to ensure that appropriate transition services and supports are provided; and (6) facilitate monthly meetings with staff to review data system summaries and issues related to ensuring appropriate transition planning occurs 90 days prior to the child's third birthday and that the child transitions to appropriate Part B services by age three. OSEP accepts these strategies with regard to ensuring that transition plans are included for all eligible children consistent with 34 CFR §§303.148(b)(4) and 303.344(h) and that transition conferences are held for children potentially eligible under Part B at least 90 days prior to the child's third birthday. CNMI must submit a progress report with its FFY 2003 APR providing updated data on these two compliance requirements and updated information on the implementation of these strategies and submit a final progress report 30 days following one year from the date of this letter containing correction data and information that demonstrate compliance with these two transition planning requirements.

### ***Conclusion***

As noted above, in the FFY 2003 APR, due within 60 days of the date of this letter, CNMI must confirm whether MOAs with the Departments of Public Health on Rota and Tinian have been executed and, if so, submit copies of the signed interagency agreements. In the FFY 2003 APR, CNMI must also provide either: (1) data (whether collected through sampling, monitoring, or other methods) and describe the method used for collecting and analyzing data; or (2) its plan to collect and report such data to OSEP by the FFY 2004 APR that demonstrate how children participating in the Part C program demonstrate improved and sustained functional abilities in the five developmental areas. Finally, in the FFY 2003 APR, CNMI must provide updated

progress data and information on its compliance with the transition planning requirements (that all eligible children have transition plans by age three and that children potentially eligible under Part B have transition conferences at least 90 days prior to the child's third birthday as required by 34 CFR §§303.148(b)(2)(ii) and (b)(4) and 303.344(h)); and submit a final progress report 30 days following one year from the date of this letter containing correction data and information that demonstrate compliance with these two transition planning requirements.

CNMI must also submit a plan to OSEP within 60 days of the date of this letter, including strategies, proposed evidence of change, targets, and timelines designed to ensure correction of the following noncompliance areas within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan:

- (1) CNMI has a monitoring system and include dates by when CNMI will begin formal on-site compliance monitoring, have monitoring instruments and procedures developed, including a monitoring schedule, to ensure that: (a) monitoring is effective in identifying and correcting noncompliance in a timely manner to ensure compliance; (b) enforcement actions are used when necessary to address persistent deficiencies; (c) the information collected through monitoring is used to effect systems change; and (d) a system is in place to collect data to verify and validate information collected through monitoring (see 34 CFR §303.501);
- (2) there is a six-month review of an IFSP for an eligible child and a child's family (see 34 CFR §303.342(b)); and
- (3) an annual IFSP meeting is conducted to evaluate the IFSP for each child and the child's family (see 34 CFR §303.342(c)).

In addition, within 60 days from the date of this letter, CNMI must provide data determining compliance with the following potential areas of noncompliance and, if the data indicate noncompliance, provide its plan to correct the noncompliance including strategies, proposed evidence of change, targets, and timelines designed to ensure correction of the following noncompliance areas within a reasonable period of time, not to exceed one year from the date OSEP accepts the plan:

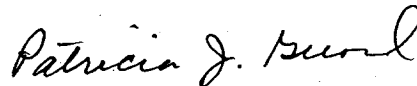
- (1) CNMI must ensure that within 45 days after receipt of a referral, an evaluation and assessment are conducted and the initial IFSP meeting is held (34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a));
- (2) CNMI must provide evidence that CNMI determined which language translations were needed for public awareness activities and confirmation that CNMI now translates public awareness activities into those languages or a plan for correcting noncompliance in this area (see 34 CFR §§303.128, 303.164 and 303.320); and
- (3) CNMI must make a data-based determination regarding child find and public awareness activities, to ensure that all Part C eligible children are identified, located, and evaluated (34 CFR §§303.320-303.321).

- (4) CNMI must provide to OSEP by August 1, 2005 its baseline and evidence of change/correction data and information demonstrating completion of strategies to ensure that eligible children and families receive the early intervention services identified on their IFSP (as required by 34 CFR §303.340(c)) and implementation of its strategies to correct this area of potential noncompliance. If the data demonstrate continued noncompliance, CNMI must include in its August 1, 2005 report its plan with additional or revised strategies, proposed evidence of change, targets, and timelines to ensure compliance as soon as possible.

Finally, CNMI must continue to provide OSEP with data regarding its progress in the timely investigation of complaints, the availability of teachers and related services personnel, public awareness activities, information from parent surveys regarding the provision of services, and the provision of services in the natural environment.

OSEP recognizes that the Self Assessment, the FFY 2001 APR, the FFY 2002 APR, and related activities represent only a portion of the work in CNMI, and we look forward to collaborating with you as you continue to improve results for children and youth with disabilities and their families. If you have questions, please contact Lucille Sleger at (202) 245-7528.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education  
Programs

cc: Suzanne Lizama  
Part C Coordinator