



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

Honorable William Tabelual
Minister of Education
Ministry of Education
Republic of Palau
Post Office Box 189
Koror, Palau 96940

FEB 3 1992

Dear Mr. Tabelual:

The purpose of this letter is to provide you and your special education staff with the results of the compliance review conducted by the Office of Special Education Programs (OSEP), U.S. Department of Education. A copy of our final report, "Office of Special Education Programs Final Compliance Monitoring Report: 1991 Review of the Palau Ministry of Education" (Report) is enclosed.

OSEP issued the draft compliance monitoring Report on November 1, 1991. On November 20, 1991, OSEP received your communique to indicating that you did not plan to respond to the findings in the draft Report and intended to address the corrective actions required by the Report. On January 2, 1992 this position was confirmed through communication with the Western Regional Resource Center.

I want to take this opportunity to commend members of the Palau Ministry of Education (PMOE) staff who assisted OSEP during this review. Throughout the course of OSEP's monitoring activities, PMOE staff members were cooperative and responsive to OSEP's requests for information about PMOE's system for administering special education programs in the Republic of Palau. OSEP was impressed with the PMOE staff members' knowledge of and commitment to educational programs for children with disabilities.

Based upon the information collected and analyzed during OSEP's compliance review, determinations were made concerning whether PMOE met all applicable requirements identified in each area of responsibility shown in the Report's Table of Contents. The findings are organized in accordance with the legal requirements established by Part B of the Individuals with Disabilities Education Act (Part B), formerly Part B of the Education of the Handicapped Act (EHA-B), the Department's implementing regulations for Part B, and the Education Department General Administrative Regulations (EDGAR).

Page 2 - Honorable William Tabelual

It is important to recognize that the OSEP report addresses only those aspects of Palau's special education system that OSEP reviewed and found not to be in compliance with Federal requirements. Numerous aspects of Palau's special education system which were consistent with or exceeded Federal requirements are not discussed. Several commendations, however, are noted in the Report.

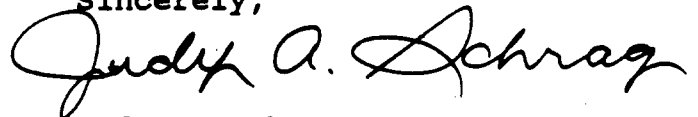
Within 60 calendar days of receipt of this final monitoring Report, PMOE will be required to begin its submission to OSEP of the corrective actions (CAP) required by OSEP's Report. All documents must be submitted to OSEP for review and approval prior to PMOE's use and dissemination to its public agencies. Where specified, documentation must be submitted to OSEP that will verify progress and completion of the required corrective action.

The Report identifies issues that may require PMOE to revise existing regulations, policies, and procedures; consequently, PMOE will be expected to amend its annual program plan prior to its next application for Part B funds, and that plan must be adopted in accordance with applicable Federal regulations.

OSEP's staff is available to provide technical assistance during any phase of the development and implementation of your corrective actions. Please let me know if we can be of assistance.

Thank you for your continued efforts toward the goal of achieving quality education programs for children with disabilities in the Republic of Palau.

Sincerely,



Judy A. Schrag
Director
Office of Special Education
Programs

Attachment: OSEP Final Monitoring Report

cc: Mr. Masa-Aki Emesiochl
Mr. Martin Sokau
Mr. Peter Elechuus

**OFFICE OF SPECIAL EDUCATION PROGRAMS
FINAL COMPLIANCE MONITORING REPORT:**

1991 REVIEW OF THE PALAU MINISTRY OF EDUCATION

FEBRUARY 1992

OFFICE OF SPECIAL EDUCATION PROGRAMS
DRAFT MONITORING REPORT:

1991 REVIEW OF THE PALAU MINISTRY OF EDUCATION

TABLE OF CONTENTS

PREFACE	iii
INTRODUCTION	iv
COMMENDATIONS	v
I. INDIVIDUALIZED EDUCATION PROGRAMS	1
II. DUE PROCESS AND PROCEDURAL SAFEGUARDS	3
III. CONFIDENTIALITY	6
IV. FREE APPROPRIATE PUBLIC EDUCATION	6
V. STATE ADVISORY PANEL	9
VI. TERRITORY EDUCATION AGENCY MONITORING	9
APPENDIX A: LISTING OF SCHOOLS VISITED BY OSEP.	12
APPENDIX B: REQUIRED CORRECTIVE ACTIONS	13

PREFACE

This Report contains the results of the Office of Special Education Programs (OSEP), U.S. Department of Education's review of the Palau Ministry of Education (PMOE). The purpose of this review is to determine whether PMOE fully met its responsibility to ensure that educational programs for children with disabilities are administered in a manner consistent with the requirements of Part B of the Individuals with Disabilities Education Act (Part B), formerly the Education of the Handicapped Act (EHA-B), and its implementing regulations, and the requirements of Education Department General Administrative Regulations (EDGAR). All regulatory citations in this Report refer to sections of Title 34 of the Code of Federal Regulations.

The Report contains an introduction, six sections, and two appendices. The introduction briefly describes OSEP's review process and, in broad terms, assesses PMOE's performance in fulfilling its general supervisory responsibility. Sections I, II, and III address the requirements related to individualized educational programs, due process and procedural safeguards, and confidentiality. Sections IV and V address the requirements related to the provision of a free appropriate public education and the State Advisory Panel respectively. Section VI addresses the monitoring obligations. Appendix A contains a listing of the local schools visited by OSEP and referenced in this Report. Appendix B contains the required corrective actions.

Where appropriate, sections are organized according to the following outline: (1) a statement of the legal responsibilities which PMOE is required to fulfill in order to ensure that the requirements of Part B are met; and (2) findings of fact concerning PMOE's implementation of its responsibilities.

Until the affected regulations, statutes, or administrative policies are changed, Palau must take steps, including immediately discontinuing the deficient practice and informing all public agencies, if necessary, of the procedures required to comply with Part B. The Report includes a chart which delineates further corrective actions to be carried out by PMOE in order to ensure correction of the identified deficiencies. The chart includes the area of deficiency and the required corrective action. The timelines for completion of activities and submission of documentation to OSEP that will verify progress and completion of each activity will be included in the final Report. PMOE has 15 days from receipt of the final Report to request, and justify, the revision of any of the required activities or timelines in the corrective action chart. There are a number of corrective actions that require PMOE to submit one or more products. OSEP must approve each of the products.

INTRODUCTION

PMOE's General Supervisory Responsibility: In order to be eligible to receive Part B funds, each participating State, and Territory is required to meet the eligibility requirements of 20 U.S.C. §1412(6) which provides:

The [Republic] educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the [Republic], including all such programs administered by any other [public] agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the [Republic] educational agency and shall meet educational standards of the [Republic] educational agency. See §300.600(a)(2).

Documentation gathered by OSEP as part of its monitoring review demonstrates that in regard to certain requirements of Part B, PMOE did not exercise its general supervisory authority in a manner that ensured that all procedures or practices of local schools complied with the requirements of Part B. OSEP does not conclude that the identified instances of deficiencies are documentation of deficiencies in all schools in the Republic. However, because PMOE's systems for ensuring compliance were unsuccessful in those instances cited in the Report, OSEP requires PMOE to undertake certain corrective actions to improve its systems for ensuring territory-wide compliance with Part B.

OSEP Review Process: Beginning in January 1991, Mr. Ray Miner, OSEP team leader, reviewed PMOE's relevant documents relating to the administration and provision of special education. During the week of April 15, 1991, Mr. Miner made site visits to public schools to observe programs, interview school staff and examine student records. In addition, Mr. Miner worked in the central offices examining records and interviewing staff who were involved in the administration and supervision of educational programs. Upon returning to Washington, DC, OSEP completed its analysis of the information collected and prepared its draft Report.

Description of the PMOE's Education System: The National Congress established PMOE to develop and administer education programs according to the laws of the Republic of Palau. The educational system is a unitary system with no local school districts and no central school for students with disabilities. Within the unitary system, there are 22 elementary schools, one senior high school and an instructional staff of approximately 200. PMOE provides all public educational services to students residing in the Republic of Palau. All children between six and

14 years of age are required by law to be enrolled in school, and the student enrollment is approximately 3,350.

PMOE serves approximately 170 children with disabilities and receives, in a consolidated grant, Federal funds to support and supplement the programs and services provided to students with disabilities and their families. Since PMOE receives its Part B funds as part of a U.S. Department of Education (the Department) Chapter 2 consolidated grant, it is not required to submit to the Department a Part B State Plan. See §§76.125 through 76.137. The Ministry's general supervision authority is exercised through the Minister of Education and Directors. Compliance is ensured through the PMOE coordinator's and supervisors' review of student records and their discussions with principals, teachers and parents,

COMMENDATIONS

The focus of OSEP's compliance review is the examination of those areas in which there may be instances of noncompliance, and the focus of this Report is the specification of areas of noncompliance. However, OSEP commends The Republic of Palau and PMOE for the following special education program initiatives.

1. PMOE has provided continual support for its programs for students with disabilities, and in the last three years, has provided increased financial support for the programs. From the Federal funds received in PMOE's consolidated grant, funds for the administration and provision of services for students with disabilities has increased by 96% over the last two fiscal years. Specifically, between FY88 and FY89 funds for special education were increased by 14%, and between FY89 and FY90 the funds were increased by 72%.

2. The people of Palau represented in the Olbiil Era Kelulau have recently enacted "The Programs and Services for Handicapped Children Act of 1989," (Public Law 3-9). The Programs and Services for Handicapped Children Act of 1989 (The Act) provides for more comprehensive educational programs and services for infants, toddlers, and children with disabilities. The Act also establishes a clear public policy for the provision of educational services to all children including children with disabilities, and it asserts the responsibility of the national government to provide full educational opportunities and necessary related services to each child with disabilities and to provide the education and related services in the regular classrooms and regular schools to ensure that students with disabilities become integral members of community life and Palauan society.

3. PMOE has recently developed and proposed for adoption the Administrative Policies and Procedures for the implementation of

Public Law 3-9. If adopted by PMOE, the Administrative Policies and Procedures will provide operational procedures to the PMOE staff for the administration and provision of education and related services to students with disabilities. The proposed Administrative Policies and Procedures provide guidance and clarity as to the persons responsible for various activities, the timeline for completion of activities and the documentation needed for the verification of completion.

4. Through the leadership and hard work of the Coordinator of Special Education, there is extensive involvement of special education teachers in regular education, functioning as consultants and support staff to the regular education teachers who have students with disabilities in their regular education classes. In addition, attitudes of acceptance now exist that resulted in the inclusion of students with moderate and severe disabilities into the regular education environment of home village schools. Students with moderate and severe disabilities are no longer being transported long and difficult distances or being separated from their immediate families to attend a central special education school.

I. INDIVIDUALIZED EDUCATION PROGRAMS

PMOE is required to ensure that an individualized education program (IEP) for each of its children with disabilities is developed and implemented (§300.341). Sections 300.340 through 300.349 set forth requirements for developing, implementing, reviewing, and revising IEPs. In addition to PMOE's general responsibilities under §300.341, PMOE is required to monitor and evaluate the development, implementation, review and revision of IEPs (§§300.130(b)(2) & 20 U.S.C. §1232d(b)(3)).

- A. PMOE is responsible for ensuring that the IEP of each child with a disability contains all the information set forth at §300.346(a)-(e).

Section 300.346 of the Part B regulations specifically requires that each IEP include the following: (a) a statement of the child's present levels of educational performance; (b) a statement of annual goals, including short-term instructional objectives; (c) a statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular education programs; (d) the projected dates for initiation of services and the anticipated duration of the services; and (e) appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

The statement of present levels of performance, the annual goals and the short-term instructional objectives are the framework for the child's educational program. They tell: (1) where the child is currently functioning (present levels of educational performance); (2) what progress the child can reasonably expect to achieve in the next 12 months (annual goals); and (3) what the measurable, intermediate steps (short-term instructional objectives) are between the child's present level of performance and the specific goal.

FINDINGS:

1. OSEP finds that PMOE did not ensure that IEPs are developed in accordance with the content requirements of §300.346(b), as demonstrated by the following:

a. PMOE administrative staff interviewed by OSEP confirmed that PMOE has not established and implemented effective monitoring procedures to determine whether IEPs contain short

term instructional objectives. See Section VIII of this Report, page 11, for a discussion on monitoring.¹

b. In two of the five student records reviewed by OSEP at School A, and in two of four student records reviewed by OSEP at School B, the current IEPs did not have short term instructional objectives for any of the annual goals written in the IEPs.² See Table I-1.

2. OSEP finds that PMOE did not ensure that IEPs are developed in accordance with the content requirements of §300.346(c), as demonstrated by the following:

a. PMOE administrative staff interviewed by OSEP confirmed that PMOE has not established and implemented effective monitoring procedures to determine whether IEPs contain a statement of the extent to which the child will be able to participate in regular educational programs. See Section VIII of this Report, page 11, for a discussion on monitoring.

b. In six of 25 student records reviewed by OSEP, the current IEPs did not have a statement of the extent to which the child will be able to participate in regular educational programs. See Table I-1.

3. OSEP finds that PMOE did not ensure that IEPs are developed in accordance with the content requirements of §300.346(e) (i.e., evaluation procedures and evaluation schedules), as demonstrated by the following:

a. PMOE administrative staff interviewed by OSEP confirmed that PMOE has not established and implemented effective monitoring procedures to determine whether IEPs contain evaluation procedures and evaluation schedules for determining, on at least an annual basis, whether the short term instructional

¹ OSEP recognizes as a unitary school system with a relatively small special education staff, it is not necessarily appropriate for PMOE to establish and implement a formal monitoring system of checklists and interview guides. It is, however, essential that PMOE establish and implement a proper monitoring procedure, appropriate to PMOE, to ensure that the local and Federal requirements are met.

² For the purpose of this Report, the five individual programs and schools visited by OSEP are identified by the letters A - E. Appendix A lists the specific program and schools and their corresponding letters.

objectives are being achieved. See Section VIII of this Report, page 11, for a discussion on monitoring.

b. In 18 of 25 student records reviewed by OSEP, the current IEPs did not include evaluation procedures and evaluation schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved. See Table I-1.

**TABLE I
BY AGENCY AND IEP REQUIREMENT
THE NUMBER OF IEPs FOUND DEFICIENT OUT OF
THE NUMBER OF FILES REVIEWED BY OSEP**

REGULATION	AGENCIES				
	A	B	C	D	E
§300.346(b)	2 of 5	2 of 4			
§300.346(c)		2 of 4		4 of 5	
§300.346(e) eval. proc.		2 of 4		5 of 5	11 of 11
§300.346(e) eval. sched.		2 of 4		5 of 5	11 of 11

II. DUE PROCESS PROCEDURES AND PROCEDURAL SAFEGUARDS

PMOE is required to ensure that due process procedures and other procedural safeguards are available to parents and children with disabilities. §300.501. Sections 300.500 through 300.514 delineate the due process and procedural safeguard requirements that must be afforded students and parents. In addition to PMOE's general responsibilities under §300.501, PMOE is required to monitor the implementation of the procedural safeguard requirements of §§300.500-300.514 (§76.101).

A. PMOE is responsible for providing a written notice to parents of a child with disabilities a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free

appropriate public education to the child. §300.504(a)(1) and (2).

FINDING:

1. OSEP finds that PMOE did not meet its responsibility under §§300.501 and 300.504(a)(1) and (2) to ensure that PMOE and local schools provided written notices to parents of children with disabilities a reasonable time before a proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or provision of FAPE to the child, as demonstrated by the following:

a. PMOE administrative staff interviewed by OSEP reported that PMOE did not have an effective procedure to ensure that written notice is provided to parents of children with disabilities within a reasonable time before local schools proposed or refused to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education. PMOE's procedures only require that parents of children with disabilities receive written notice prior to initial evaluation and reevaluation. OSEP finds that written notice is not provided to parents by PMOE when it:

- (1) Proposes or Refuses to initiate or change the identification of a child;
- (2) Proposes or Refuses to initiate or change the placement of a child; and
- (3) Proposes or Refuses to initiate or change the provision of a free appropriate public education (FAPE) to a child.

b. Teachers interviewed by OSEP confirmed that the only time written notice is given to parents is prior to initial evaluation or reevaluation.

B. PMOE is responsible for providing a written notice (under §300.505(a)(1)) to parents of children with disabilities which includes a full explanation of all procedural safeguards available to parents under Federal regulations (Subpart E); such notice must be provided to parents each time that notice is required under §300.504(a).

FINDING:

1. OSEP finds that PMOE did not meet its responsibility under §§300.501, 300.504(a), and 300.505(a) to ensure that parents are provided with prior written notices, which include the content required by §300.505(a), each time notice is required by §300.504(a), as demonstrated by the following:

a. PMOE did not have effective procedures to ensure that written notice include the content required by §300.505(a). PMOE administrators interviewed by OSEP reported that PMOE's written prior notice form does not include an explanation of all procedural safeguards available to parents.

b. PMOE administrators reported that, in addition to written notice provided prior to initial evaluation and reevaluation, parents are provided a verbal explanation of the procedural safeguards during meetings.

c. OSEP finds that PMOE's prior written notices of evaluation and reevaluation did not meet the requirements of §300.505(a)(2) and (3). OSEP determined through analysis of PMOE's written notice of evaluation and through interview with administrators that the written notice provided to parents by PMOE does not contain the following required content: (a) a description of the evaluation procedure, test, record, or report the agency used as a basis for the proposal or refusal; and (b) what options were considered by the agency and why those options were rejected.

C. PMOE is responsible for ensuring that a list is kept of the persons who serve as hearing officers including a statement of the qualifications of each of the officers. §300.507(c).

FINDING:

1. OSEP finds that PMOE did not meet its responsibility under §300.501 to ensure that a list is kept of the persons who serve as hearing officers including a statement of the qualifications of each officer. PMOE administrators and staff interviewed at each of the local schools confirmed that a listing of persons who serve as hearing officers had not been developed and maintained at either the administrative offices or within the local schools.

III. CONFIDENTIALITY OF INFORMATION

PMOE is responsible for ensuring the protection of the confidentiality of personal information collected, maintained and used by the educational agency by implementing procedures that meet the requirements of §§300.562 through 300.575. In addition to PMOE's responsibilities under §§300.562 through 300.575, PMOE is required to monitor the implementation of the confidentiality requirements of §§300.562-300.575 (§76.101).

- A. PMOE is responsible for ensuring that a current list is maintained for public inspection that identifies the names and positions of those employees within the agency who may have access to personally identifiable information. §300.572(d).

FINDING:

1. OSEP finds that PMOE did not meet its responsibility under §300.572(d) to ensure that a current list of names and positions of employees within the agency who may have access to personally identifiable information is maintained for public inspection, as demonstrated by the following:

a. PMOE has not established an effective procedure to ensure that a current list of the names and positions of persons within the agency who may have access to personally identifiable information is maintained. PMOE administrators interviewed by OSEP confirmed that a list of the names and positions of employees or other persons within the PMOE who may have access to personally identifiable information is not maintained in the central office. Staff interviewed at the schools visited by OSEP confirmed that, to their knowledge, a list of personnel having access to student records was not maintained at the school level for public inspection.

IV. FREE APPROPRIATE PUBLIC EDUCATION

PMOE is responsible for ensuring that a free appropriate public education is available to all school aged children with disabilities within the Republic of Palau. §300.300. In part, "free appropriate public education" means special education and related services which are provided in conformity with an IEP. §300.4(d). "Special education" means "specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child." (Emphasis added.) §300.14(a)(1). "Related Services" means "transportation and such developmental,

corrective, or supportive services as are required to assist a child [with disabilities] to benefit from special education;" they include speech pathology and audiology, and physical and occupational therapy.

In order to meet the general responsibility specified under §300.300, PMOE is required to monitor activities of the schools in carrying out the provisions (i.e., Federal regulation, State statute, State plans, and applications) pertinent to the students' right to free appropriate public education, and enforcement of obligations imposed on the schools (20 U.S.C. §1232d(b)(3)(A)).

FINDINGS:

1. OSEP finds that PMOE did not meet its general responsibility under §300.300 to ensure that special education and related services contained in students' IEPs are provided, as demonstrated by the following:

a. Although PMOE determines through review of student records and discussions with principals, teachers and parents, whether the children with disabilities received the related services set forth in their IEPs, PMOE has not established an effective procedure to ensure that deficiencies regarding this requirement are corrected.

b. PMOE provides for physical and occupational therapy services through contract with the local hospital. The agreement is for therapists to be available within the hospital setting to provide physical and occupational therapy services required by students with disabilities. PMOE administrators explained that it was their understanding that their responsibility to ensure that these related services are provided had been met through this agreement with the hospital. However, PMOE administrators and teachers confirmed that physical and occupational therapy services contained in some IEPs are not being provided due to problems in transporting the students to the therapists.

c. Teachers interviewed by OSEP confirmed that students requiring speech therapy or special education services are not receiving these services because of difficulty in transporting staff to isolated schools, which can only be reached by use of a truck with four wheel drive, or by boat.

d. PMOE administrators reported that students with disabilities in geographically isolated areas are not receiving special education services because of staff shortages, and the difficulties in placing teachers in geographically-isolated

villages. See Section VIII of this Report, page 11, for a discussion on monitoring and correction of identified deficiencies.

2. OSEP finds that PMOE did not meet its general responsibility under §300.300 to ensure that students with disabilities receive all the special education services specified by the IEP, including an opportunity to participate in appropriate nonacademic and extracurricular activities with students who are not disabled.

a. PMOE administrative staff interviewed by OSEP confirmed that, because of architectural barriers in some schools, students were not receiving special education or participating in nonacademic or extracurricular activities, and that procedures have not been implemented to remove the architectural barriers to ensure FAPE for all eligible students. See Section VIII of this Report, page 11, for a discussion on monitoring.

b. Teachers of students with disabilities who were interviewed by OSEP confirmed that, as a result of architectural barriers some students with disabilities were not attending school; other students with disabilities were able to attend class, but were unable to participate in nonacademic and extracurricular activities, such as recess, lunch, and assemblies; and other students with disabilities were unable to use the rest room facilities because the steps or the doorway was too narrow to accommodate a wheelchair.

c. PMOE administrators reported that monitoring procedures had not been established to ensure that students with disabilities are not denied FAPE when teachers are given other responsibilities that interfere with the teacher's ability to provide special education to assigned students with disabilities. See Section VIII. of this Report, page 11, for a discussion on monitoring.

d. Staff interviewed at the schools visited by OSEP confirmed that some teachers have the responsibility of getting students with disabilities who are truant back in school, and that these responsibilities caused a disruption in the provision of educational services to other students with disabilities.

V. STATE ADVISORY PANEL

PMOE is responsible for the establishment, in accordance with Federal requirements, of an advisory panel on the education of children with disabilities. The advisory panel must be appointed by the Governor or any other official authorized under local law to make those appointments. If there is an existing advisory panel that can perform the functions in §300.652, the State may modify the existing panel so that it fulfills all of the requirements, instead of establishing a new advisory panel. §300.650.

FINDING:

1. OSEP finds that PMOE did not meet its general responsibility under §300.650 to establish an advisory panel on the education of children with disabilities. OSEP determined through interview with PMOE administrators, a parent of a child with disabilities and an advocate for children with disabilities that PMOE has not established an advisory panel on the education of children with disabilities.

VI. STATE AND TERRITORY EDUCATION AGENCY MONITORING

State and Territory education agencies must develop and use procedures to monitor the administration of special education programs for children with disabilities. §76.772(a)(3). In addition, 20 U.S.C. 1232d (b)(3) requires that States and Territories assure that each program (such as the Part B program) will be administered in accordance with all applicable statutes, regulations, State plans, and applications. 20 U.S.C. 1232d (b)(3)(A) further requires each State and Territory to adopt and use proper methods of administering each program, including:

(1) monitoring the procedures and practices carried out for each program, and the enforcement of any obligations imposed on those agencies, institutions and organizations under the law; and

(2) correction of deficiencies in program operations that are identified through monitoring and evaluation.

See also §80.40(a).

States and Territories also have specific monitoring responsibilities under Part B with regard to the implementation of the least restrictive environment obligation, §300.556, and the placement of children with disabilities in private facilities by public agencies, §300.402.

- A. PMOE is responsible for the adoption and use of proper methods to monitor the implementation of procedures and the practices carried out in administering special education programs. 20 U.S.C. 1232d (b)(3)(A).

FINDING:

1. OSEP finds that PMOE did not meet its responsibility to adopt and use proper methods to ensure that procedures and practices carried out in administering special education programs are compliant with Federal requirements.

a. OSEP reviewed and discussed with PMOE special education administrative staff, the procedures used by PMOE for determining if practices within the special education program were in compliance with local and Federal requirements. OSEP determined that PMOE's procedures for monitoring compliance with Federal requirements were either not adopted or not effective in ensuring compliance with requirements as specified below and cited in other sections of the report. PMOE administrators explained that their procedures for reviewing compliance includes a review of student records and discussions with principals, teachers and parents. OSEP determined that PMOE's procedures for reviewing compliance were limited to certain areas within the Part B requirements and were not effective in ensuring that its programs are operating in a manner consistent with the requirements specified below and cited in other sections of this Report.

NO EFFECTIVE METHODS FOR IDENTIFYING DEFICIENCIES

- §§300.300-----FAPE (provision of special education
and related services according to IEP)
- 300.346-----Content of IEP
- 300.346(b)-----Goals/short term objectives
- 300.346(c)-----Participation Regular Ed
- 300.346(e)-----Evaluation Procedure/Schedules
- 300.504(a)-----Prior written notice
- 300.505 -----Content of notice
- 300.507(c)-----List of hearing officers maintained
- 300.572(d)-----List of employees who have access to
records maintained

- END OF REPORT -

APPENDIX A

LISTING OF SCHOOLS

The individual schools and program visited by OSEP and referenced in this Report are as follows:

- School A ----- Early Childhood Education Program
- School B ----- Airai Elementary School
- School C ----- Koror Elementary School
- School D ----- Ngchesar Elementary School
- School E ----- Peleliu Elementary School

APPENDIX B

REQUIRED CORRECTIVE ACTIONS

AREA OF DEFICIENCY	REQUIRED CORRECTIVE ACTION	TIMELINES FOR COMPLETION OF ACTIVITIES	DOCUMENTATION TO BE SUBMITTED TO OSEP
<p>§300.346 (Content of IEPs)</p> <p>§300.346(b) - (pg 1 of this Report) IEPs must contain short term instructional objectives.</p> <p>§300.346(c) - (pg 2, 13 of this Report) IEPs must contain a statement of the extent to which the child will be able to participate in regular education programs.</p> <p>§300.346(e) - (pg 2 of this Report) IEP must contain evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.</p>	<p>1. PNOE must adopt and implement the <u>Administrative Policies and Procedures</u> which provide guidance in developing proper IEPs.</p> <p>2. PNOE must establish proper procedures to ensure that local practices are consistent with Federal regulations that require that IEPs meet all the requirements of §300.346, including short term instructional objectives, a statement of the extent to which a child with disabilities will be able to participate in regular educational programs; and evaluation procedures and schedules for determining whether short term instructional objectives are being achieved.</p> <p>3. PNOE must submit the materials it will use to provide technical assistance and training regarding the requirements of §300.346.</p> <p>4. PNOE must submit verification that training activities occurred.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>5/18/92</u></p> <p>Submit to OSEP by: <u>6/22/92</u></p> <p>Submit to OSEP by: <u>9/14/92</u></p>	<p>Administrative Policies and Procedures for developing proper IEPs</p> <p>Procedures for ensuring consistent application of Administrative Policies and Procedures</p> <p>Technical assistance materials</p> <p>Written verification of training activity</p>

AREA OF DEFICIENCY	REQUIRED CORRECTIVE ACTION	TIMELINES FOR COMPLETION OF ACTIVITIES	DOCUMENTATION TO BE SUBMITTED TO OSEP
<p>§§300.504(a)(1) and (2) and 300.505(a) - (pg 4 of this Report) Public agencies provide prior written notice to parent at all times required under §300.504(a)(1) and (2), which includes all of the content required under §300.505(a)</p>	<p>1. PMOE must develop procedures to ensure that parents are provided with written notice, that includes all the content required under §300.505(a), at the times required under §300.504(a)(1) and (2).</p> <p>2. PMOE must establish procedures for ensuring that local practices are consistent with PMOE's newly developed procedures for ensuring that parents are provided with written notice that includes the content required by §300.505(a) at the times required by §300.504(a)(1) and (2).</p> <p>3. PMOE must submit the materials it will use to provide technical assistance and training regarding the requirements of §§300.504(a)(1) and (2).</p> <p>4. PMOE must submit verification that training activities occurred.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>5/18/92</u></p> <p>Submit to OSEP by: <u>6/22/92</u></p> <p>Submit to OSEP by: <u>9/14/92</u></p>	<p>Revised Administrative Policies and Procedures addressing written prior notice</p> <p>Procedures for ensuring consistent application of Administrative Policies and Procedures</p> <p>Technical assistance materials</p> <p>Written verification of training activity</p>

AREA OF DEFICIENCY	REQUIRED CORRECTIVE ACTION	TIMELINES FOR COMPLETION OF ACTIVITIES	DOCUMENTATION TO BE SUBMITTED TO OSEP
<p>§300.572(d) - (pg 6 of this Report) Current list of names and positions of employees within the agency who may have access to personally identifiable information is to be maintained for public inspection.</p>	<p>1. PMOE must develop procedures for addressing the requirements of §300.572(d), and ensuring that its components are acting consistent with Federal requirements.</p> <p>2. PMOE must issue a memorandum informing all of its components that a list of names and positions of employees within the agency who may have access to personally identifiable information is to be maintained for public inspection.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>5/6/92</u></p>	<p>Procedures for ensuring that a list of persons with access personally identifiable information</p> <p>Copy of memorandum</p>
<p>§300.300 - (pg 7 of this Report) Ensure that special education and related services contained in IEPs of children with disabilities are provided.</p>	<p>1. PMOE must develop and establish procedures to ensure that the special education and related services indicated in students' IEPs are provided. PMOE's newly established procedures must address recruitment of staff and the provision of appropriate training to current teachers in small isolated schools to provide appropriate education services to the students with disabilities attending these schools.</p> <p>2. PMOE must establish proper procedures to ensure that local practices are consistent with PMOE's newly established procedures as they pertain to FAPE.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>5/18/92</u></p>	<p>Procedures Ensuring Provision of Special Education and Related Service indicated in the IEP</p> <p>Procedures for Ensuring Consistent Local Practices</p>

AREA OF DEFICIENCY	REQUIRED CORRECTIVE ACTION	TIMELINES FOR COMPLETION OF ACTIVITIES	DOCUMENTATION TO BE SUBMITTED TO OSEP
<p>§300.300 (pg 8 of this Report) Ensure that students with disabilities receive FAPE and that architectural barriers do not interfere with the provision of services.</p>	<p>1. PMOE must identify those public agencies in which children with disabilities have been denied FAPE due to existing architectural barriers, and establish a plan, with timelines, for ensuring correction.</p> <p>2. PMOE must establish proper procedures to ensure that students with disabilities receive FAPE, and that architectural barriers or other local practices do not interfere with the provision of special education or a related service. These procedures must ensure that FAPE is provided no later than 4/6/92.</p> <p>3. PMOE must provide verification that architectural barriers found in its public agencies have been removed.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>5/18/92</u></p>	<p>List of Agencies with Architectural Barriers; Plan for Ensuring Correction</p> <p>Procedures for Ensuring Consistent Local Practices</p> <p>Verification of Removal of Architectural Barriers</p>
<p>§300.300 - (pg 8 of this Report) Ensure that students are not denied services because teachers are assigned to other responsibilities that conflict with their ability to provide FAPE</p>	<p>1. PMOE must identify those public agencies that have assigned special education teachers to duties which conflict with their ability to provide FAPE.</p> <p>2. PMOE must take step necessary to ensure that these practices have been discontinued and all public agencies are aware of their responsibilities.</p> <p>3. PMOE must provide verification that these practices have been discontinued.</p>	<p>Submit to OSEP by: <u>4/6/92</u></p> <p>Submit to OSEP by: <u>6/15/92</u></p> <p>Submit to OSEP by: <u>10/1/92</u></p>	<p>List of Agencies that have Assigned Teachers to Other Duties which Conflict with FAPE</p> <p>Procedures to ensure that Practices are Discontinued and Agencies are Informed of their Responsibilities</p> <p>Verification that Practices which Conflict with FAPE have been Discontinued</p>
<p>§300.650 - (pg 9 of this Report) Ensure that advisory panel on the education of students with disabilities is established</p>	<p>1. PMOE must establish and officially appoint an advisory panel.</p>	<p>Submit to OSEP by: <u>4/17/92</u></p>	<p>Listing of Advisory Panel Members</p>

AREA OF DEFICIENCY	REQUIRED CORRECTIVE ACTION	TIMELINES FOR COMPLETION OF ACTIVITIES	DOCUMENTATION TO BE SUBMITTED TO OSEP
<p>20 U.S.C. 1232d (b)(3)(A) - (pg 10 of this Report) Adopt and use of proper methods to monitor the implementation of procedures and the practices carried out in administering special education programs and the adoption and implementation of proper methods of correcting identified deficiencies.</p>	<ol style="list-style-type: none"> 1. PNOE must adopt and implement proper methods to determine if local practices are consistent with PNOE's procedures and Federal requirements identified in Section VIII of this Report. 2. PNOE must adopt and implement proper methods and procedures for correcting identified deficiencies when local practices are not consistent with PNOE's procedures and Federal requirements. 3. PNOE must submit the materials it will use to provide technical assistance and training. 4. PNOE must submit verification that training activities occurred. 	<p>Submit to OSEP by: <u>6/1/92</u></p> <p>Submit to OSEP by: <u>6/1/92</u></p> <p>Submit to OSEP by: <u>6/22/92</u></p> <p>Submit to OSEP by: <u>9/14/92</u></p>	<p>Procedures for Determining if Local Practices are Consistent with Local and Federal Requirements</p> <p>Procedures To Correct Identified Deficiencies</p> <p>Technical Assistance Materials</p> <p>Verification of Training Activities</p>