



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Mario Katosang
Minister of Education
Ministry of Education
Republic of Palau
Post Office Box 189
Koror, Palau 96940

OCT 18 2005

Dear Minister Katosang:

The purpose of this letter is to respond to Palau's March 26, 2005 submission of its Federal Fiscal Year (FFY) 2003 Annual Performance Report (APR) under the Individuals with Disabilities Education Act (IDEA) Part B for the grant period July 1, 2003 through June 30, 2004. The APR reflects actual accomplishments that the State made during the reporting period, compared to established objectives. The Office of Special Education Programs (OSEP) has designed the APR under the IDEA to provide uniform reporting from States and result in high-quality information across States. The APR is a significant data source for OSEP in the Continuous Improvement and Focused Monitoring System (CIFMS).

The State's APR should reflect the collection, analysis, and reporting of relevant data, and include specific data-based determinations regarding performance and compliance in each of the cluster areas. This letter responds to the State's FFY 2003 APR. OSEP has set out its comments, analysis and determinations by cluster area.

Background

OSEP's November 1, 2004 response to Palau's FFY 2002 APR directed the Palau Ministry of Education (PMOE) to submit an amended Improvement Plan (IP), that included strategies, proposed evidence of change, targets and timelines designed to:

- (1) ensure timely correction of noncompliance that PMOE identified in schools, within a reasonable period of time, not to exceed one year from the date PMOE identified the noncompliance;
- (2) ensure an adequate supply of personnel was available to provide appropriate special education and related services for children with disabilities; and
- (3) demonstrate that a free appropriate public education (FAPE) was provided to children with disabilities, incarcerated by the Ministry of Justice.

OSEP's March 14, 2005 response letter to Palau's January 17, 2005 amended IP required the State to provide a report to OSEP, with data and analysis demonstrating compliance in the three areas, as soon as possible, but not later than April 14, 2006.

PMOE was required to provide documentation and data to OSEP in the FFY 2003 APR that included:

- (1) data and analysis demonstrating progress toward compliance, including current information on the number of schools monitored, the number requiring corrective action, the corrective actions taken to resolve noncompliance identified in schools, and corrective actions not yet completed;
- (2) a report on the identification of systemic issues through its monitoring process;
- (3) evidence of a complaint process, consistent with 34 CFR §§300.660-300.662, and a system to track whether due process hearings met timelines consistent with 34 CFR §300.511;
- (4) evidence of a data system that collected accurate and timely data consistent with §618 of the IDEA reporting requirements;
- (5) a revised procedural safeguards notice to comply with 34 CFR §300.504;
- (6) evidence of the implementation of an effective system to identify, locate and evaluate all children with disabilities, in accordance with 34 CFR §300.125;
- (7) documentation that an alternate assessment was available and administered to children with disabilities unable to participate in all, or part of, the statewide assessment, in accordance with 34 CFR §300.138; and
- (8) documentation that students with disabilities, beginning at age 14 (or younger, if appropriate) had individualized education programs (IEPs) that included statements of transition service needs, in accordance with 34 CFR §300.347(b)(1), and that if students did not attend their IEP meetings where transition was discussed, other steps were taken to ensure that the student's preferences and interests were considered, in accordance with 34 CFR §300.344(b)(2).

General Supervision

Identification and timely correction of noncompliance

OSEP's March 2005 letter directed Palau to submit data and analysis demonstrating that PMOE-identified noncompliance was corrected within one year of PMOE's identification of the noncompliance, no later than April 14, 2006. In the FFY 2003 APR, OSEP required PMOE to provide data and analysis demonstrating progress toward compliance, including current information on:

- (1) the number of schools monitored;
- (2) the number of schools requiring corrective action;
- (3) the corrective actions taken to resolve noncompliance identified in schools;
- (4) corrective actions not yet completed; and
- (5) the identification of systemic issues through its monitoring process.

On pages 1 and 2 of the FFY 2003 APR, PMOE reported that it monitored three of its 20 school/programs during the 2002-2003 school year (SY) and 14 during the 2003-2004 SY. As explained on page 3 of the FFY 2003 APR, two of the schools located in the outer islands were not monitored because there were no children with disabilities attending the schools. The remaining school was not monitored because the school was closed due to low enrollment.

PMOE reported that 6 of the 14 schools/programs submitted corrective action plans (CAPs); however, OSEP could not determine the actual number of schools/programs that were required to develop CAPs based on Palau's identification of noncompliance. Additionally, no data were available on the implementation and status of the CAPs. On page 3 of the FFY 2003 APR, PMOE reported that the third party monitor did not complete all monitoring reports until the end of the school year, due to the large number of schools monitored during the 2003-2004 SY. Therefore, the development and implementation of CAPs were behind schedule.

On pages 5 and 6 of the FFY 2003 APR, PMOE included strategies and activities to improve performance and meet compliance in this area; however, Palau did not provide information and data on how systemic issues were identified and corrected. PMOE must include with the State Performance Plan (SPP), due December 2, 2005, data and analysis demonstrating its progress in ensuring the correction of all identified noncompliance with Part B requirements as soon as possible, not to exceed one year from identification, including: (1) clarifying the actual number of schools requiring corrective action; (2) the corrective actions taken to resolve noncompliance identified in schools; (3) the corrective actions not yet completed; and (4) how systemic issues are identified. The State must also provide a report to OSEP, with data and analysis demonstrating compliance with the requirements at 20 U.S.C. 1232d(b)(3) and 34 CFR §300.600, as soon as possible, but not later than April 14, 2006.

Dispute Resolution --- Formal written complaints, mediation and due process hearings

Formal written complaints

OSEP's November 2004 letter required PMOE to provide evidence of an effective complaint process, consistent with 34 CFR §§300.660-300.662. In the November 2004 letter, OSEP noted that both the Self-Assessment and the FFY 2002 APR stated that there were no procedures in place for processing, investigating, and resolving formal, written complaints. On page 6 of the FFY 2003 APR, PMOE reported that there were no complaints filed during the period of July 1, 2003 through June 30, 2004. To meet the requirements at 34 CFR §§300.660-300.662, PMOE: (1) created and implemented a complaint log book to document formal and informal complaints received; and (2) reviewed the log book at the end of each month to ensure compliance with the 60-day timeline. PMOE indicated that it had not conducted any training on complaint procedures because it needed to update its procedural safeguards and identify a consultant to conduct the training. On pages 7 and 8 of the FFY 2003 APR, PMOE included strategies, timelines and targets to conduct training on the complaint procedures by the beginning of the 2005-2006 school year. PMOE, however, did not include information on its procedures for investigating and resolving formal written complaints. With its SPP, PMOE must provide evidence of effective procedures to investigate and resolve formal written complaints.

Mediation

On page 6 of the FFY 2003 APR, PMOE reported that there were no requests for mediation during the period of July 1, 2003 through June 30, 2004. On page 7 of the FFY 2003 APR, Palau reported that PMOE did not update its procedures for processing mediation requests because there were no requests for mediations, there were no current trained mediators available, and no

one had been identified to serve as a mediator (see 34 CFR §300.506(b)(1) and (b)(2)). PMOE also reported that there were no trainings conducted for staff and parents on mediation procedures. On pages 7 and 8 of the FFY 2003 APR, PMOE included strategies, targets and timelines designed to improve performance with the requirements at 34 CFR §300.506(b)(1) and (b)(2), including hiring mediators and making them available whenever necessary by June 2006 and training staff and parents on requesting mediations by the beginning of SY 2005-2006. OSEP has reviewed and accepts this plan. PMOE must include the status of its plan, specifically regarding the hiring of qualified mediators, in the SPP and notify OSEP no later than July 31, 2006, that qualified mediators are available.

Due process hearings and reviews

OSEP's November 2004 letter required PMOE to provide evidence of an effective system for ensuring that due process hearing timelines were consistent with 34 CFR §300.511. On page 6 of the FFY 2003 APR, PMOE reported that there were no due process hearing requests filed during the period of July 1, 2003 through June 30, 2004. On page 7 of the FFY 2003 APR, PMOE reported that, by the end of the 2004-2005 SY, a tracking system would be implemented to ensure the timely resolution of complaints, mediations, and due process. PMOE also reported that no training was conducted for staff and parents on due process procedures and no hearing officers were hired or trained. On pages 7 and 8 of the FFY 2003 APR, PMOE included strategies, targets and timelines designed to improve performance with the requirements at 34 CFR §300.511, including implementing a tracking system to ensure timely compliance with the regulations by the end of SY 2004-2005, and hiring hearing officers by June 2006. OSEP has reviewed and accepts this plan. With the SPP, PMOE must include the status of its plan, specifically regarding the implementation of the tracking system and hiring of qualified hearing officers. PMOE must also notify OSEP no later than July 31, 2006, that the tracking system is in place and qualified hearing officers are available.

Other: Interagency responsibility

OSEP's November 2004 letter required PMOE to submit an amended IP, including strategies, proposed evidence of change, targets and timelines designed to correct noncompliance related to the provision of FAPE to children with disabilities incarcerated by the Ministry of Justice, within a reasonable period of time, not to exceed one year from the date OSEP accepted the plan. PMOE's January 2005 IP submission included a Memorandum of Understanding (MOU) between Palau's Ministry of Education and Justice to provide special education and related services to incarcerated youth with disabilities. Although the submission included additional strategies to facilitate the MOU, PMOE did not include procedures for evaluating the effectiveness of the strategies. Therefore, OSEP required PMOE, in the FFY 2003 APR, to: (1) provide an update on its progress in ensuring the provision of FAPE to incarcerated youth with disabilities, and (2) describe how it would demonstrate, by April 14, 2006, that all incarcerated youths with disabilities were provided FAPE.

On page 2 of the FFY 2003 APR, PMOE reported that no youths with disabilities were incarcerated between July 1, 2003 and June 30, 2004. PMOE reported that the consulting

resource teacher (CRT)¹ at the high school would be the designated teacher for incarcerated youth with disabilities. On pages 3 and 4 of the FFY 2003 APR, PMOE noted that by the end of the 2004-2005 SY, policies and procedures for tracking incarcerated youth with disabilities would be revised and updated and services would be provided as needed. OSEP is unable to determine whether the proposed tracking system will include procedures for evaluating whether FAPE is being provided to incarcerated youth with disabilities. PMOE must, with the SPP, provide: 1) clarification on the proposed tracking system, including whether it will include procedures for evaluating whether incarcerated youth with disabilities are receiving FAPE; and 2) describe how it would demonstrate, by April 14, 2006, that all incarcerated youths with disabilities were provided FAPE.

Other: Parents' rights notice

OSEP's November 2004 letter directed PMOE to revise the procedural safeguards notice to meet the requirements at 34 CFR §300.504. PMOE anticipated, in the FFY 2002 APR, that by December 2004, the revised procedural safeguards notice and parents' rights handbook would be distributed to all parents and eligible youth with disabilities. On pages 2 and 3 of the FFY 2003 APR, PMOE reported that: (1) the committee for overseeing the work of updating the procedural safeguards notice and parents' rights handbook did not meet during the reporting period (July 1, 2003 to June 30, 2004); (2) PMOE contracted with a consultant to assist in updating the procedural safeguards notice and handbook to reflect IDEA 2004 amendments; (3) drafts of the procedural safeguards notice and handbook were submitted, by the consultant, to Palau's special education coordinator for review and adoption; (4) PMOE translated the draft notice and handbook into the Palauan language and others where necessary; (5) no trainings, workshops, or public education sessions were conducted for stakeholders on the notice and handbook; and (6) Special Education Forms were in the process of being updated to reflect the amendments of the IDEA, but they were not yet completed. On pages 19 to 23 of the FFY 2003 APR under the Parent Involvement cluster, PMOE included goals and activities to raise parental awareness and improve performance to comply with the requirements at 34 CFR §300.504. With the SPP, PMOE must provide a copy of the draft procedural safeguards notice, required under 34 CFR §300.504, for OSEP's review.

Other: Child find

OSEP's November 2004 letter directed PMOE to submit evidence of procedures to identify, locate and evaluate all children with disabilities, in accordance with 34 CFR §300.125. On page 21 of the FFY 2003 APR, PMOE reported the following activities: (1) child find billboards have been created and will be posted; (2) one child find awareness meeting was held in November 2004; (3) the parents' rights materials have been translated into Palauan and the materials for early childhood have been printed, but they still need to be translated and disseminated; and (4) continuation of information collection for the disabilities dictionary/directory. On page 15 of the FFY 2003 APR, PMOE noted that, in order to ensure the effectiveness of Palau's system to

¹ The four CRTs operate out of PMOE's central office and oversee the provision of special education and related services for children with disabilities in Palau's 19 elementary schools and one high school. The CRTs: (1) coordinate the assessment process for new referrals; (2) conduct meetings for the development and implementation of IEPs; (3) work with principals and staff to address corrective actions; and (4) provide training and support to school staff.

evaluate children who may be in need of special education and related services, it needed to acquire updated assessment tools for infants and toddlers. Palau was unable to acquire the tools and reported that once the tools were acquired, the State would train staff. PMOE must include, with the SPP, information regarding the status of: 1) acquiring assessment tools for evaluating infants and toddlers; 2) training the staff on the new assessment tools; and 3) translating and disseminating the early childhood materials.

Personnel

OSEP's November 2004 letter required that, if Palau determines that children with disabilities are not receiving a free appropriate public education (FAPE) due to shortages in qualified personnel, PMOE must amend its IP to include strategies, proposed evidence of change, targets and timelines designed to ensure correction of the noncompliance within a reasonable period of time, not to exceed one year from the date OSEP approved the plan. Specifically, OSEP required that the plan focus on ensuring an adequate supply of personnel for those services that were either unavailable in Palau or for which there was a shortage that resulted in insufficient services for children with disabilities. In its January 2005 submission, PMOE amended its IP to include the number and kind of personnel, and type of training that Palau conducted to ensure that qualified special education and related services personnel were available to meet the needs of all children with disabilities. In its March 2005 letter, OSEP directed PMOE to include a description of how it will evaluate the proposed strategies in order to demonstrate, by April 14, 2006, that children with disabilities are receiving FAPE, as well as an update on its progress in ensuring that children with disabilities receive appropriate special education and related services.

On pages 8 through 11 of the FFY 2003 APR, PMOE reported that, as of June 2004, 44% of special education teachers had high school diplomas and the remaining 56% had an associate's or bachelor's degree. PMOE noted that there was a decrease of 3% in the number of special education teachers between 2002-2004 who had high school diplomas, and a 3% increase in the number with an associate's or bachelor's degree.

Palau is participating in the personnel initiative with the Western Regional Resource Center (WRRC). This effort is targeted to the Pacific region entities and is designed to promote effective recruitment, training and retention of qualified special education and related services personnel. OSEP encourages Palau to continue its participation in this effort and appreciates Palau's efforts to improve performance in this area.

Collection and timely reporting of accurate data

OSEP's November 2004 letter required PMOE to provide data and information demonstrating the implementation of the strategies, timelines and resources for developing a new data collection system consistent with IDEA §618 reporting requirements. On pages 12 and 13 of the FFY 2003 APR, PMOE reported that Palau did not implement a revised data collection system due to a delay in aligning the special education fields with PMOE's central education data system (CEDS) at the Ministry of Education. The CEDS is still being redesigned and developed to improve and upgrade the Ministry of Education's database. PMOE still needs to establish an Excel data processing system for integration and compatibility with the CEDS. On page 13 of

the FFY 2003 APR, PMOE reported that, by June 2006, Palau would establish a database for maintaining information on the services and required timelines for students referred for or receiving special education and related services. PMOE indicated that they aim to identify and establish the special education data collection fields by September 2005 and develop and implement the data collection processing system by December 2005.

OSEP is unable to determine if the revised data collection system meets the §618 collection and reporting requirements. IDEA 2004, at §618(a), requires that each State receiving funding under Part B shall provide data each year to the Secretary of Education and the public.

Data and information describing compliance with these requirements may include: (1) a description of the procedures used by the SEA to ensure the accuracy, validity and reliability of data collected from the LEAs and other agencies or institutions; (2) a description of the procedures used by the SEA to validate the accuracy of the data; (3) a description of actions taken to correct any inaccurate data or to ensure that LEAs and other agencies and institutions comply with the data collection requirements; and (4) an explanation of any instances of inaccurate, invalid or unreliable data. PMOE must include with the SPP, data and information demonstrating progress toward meeting these requirements and provide, by July 31, 2006, the status of its plan to establish a database that will enable it to meet §618 reporting requirements.

Early Childhood Transition

The instructions to this cluster ask States to report on the number of children participating in Part C who transition to Part B of IDEA who have an individualized education program (IEP) or individualized family service plan (IFSP) in effect by the child's third birthday (34 CFR §300.132(b)). Palau does not participate in Part C of IDEA—Early Intervention Program for Infants and Toddlers with Disabilities and is not required to report information regarding the transition of children with disabilities from Part C to Part B of IDEA.

Parent Involvement

On pages 19 through 23 of the FFY 2003 APR, PMOE reported that, to increase parent involvement, parents participated as members of the special education advisory council, self-assessment steering committee and interagency council. Future activities to increase parent involvement included: (1) disseminating a dictionary/directory on common disabilities that exist in Palau; and (2) conducting a workshop for parents and teachers on the content of the dictionary/directory. OSEP appreciates the work of the State in continuing to improve performance in this area and looks forward to reviewing its data in the SPP on the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

Disproportionality

On page 23 of the FFY 2003 APR, PMOE stated that all students with disabilities are classified

as “Asian/Pacific Islander,” and that there was no disproportionate representation in special education overall or by disability category or setting using the Federal race/ethnicity categories.

Graduation and drop-out rates

As noted on page 25 of the FFY 2003 APR, PMOE reported that the number of students graduating with a diploma increased for students without disabilities and decreased for students with disabilities during the 2002-2003 SY and 2003-2004 SY. An 18% increase was reported between the two school years for students without disabilities and a 42% decrease was reported for students with disabilities. Some of the students with disabilities did not graduate due to lack of credits. Students with disabilities who were eligible for graduation and did not receive a diploma, received a certificate of completion.

On page 26 of the FFY 2003 APR, PMOE reported that, for the two school years, there was a decrease in the drop-out rate for students without disabilities and an increase for students with disabilities. PMOE attributed this increase to: (1) students who resided more than 30 miles away had to relocate to attend the high school; therefore, they may have chosen to drop out as a result of difficulties with living arrangements; and (2) an inability to verify the number of students with disabilities who moved and were not known to continue enrollment in school. To address the graduation and drop-out issues, PMOE: (1) provided a mentor program to encourage children with disabilities to stay in school; and (2) continued the after-school tutoring program. On pages 29-30 of the FFY 2003 APR, the State included strategies to improve performance in this area. OSEP looks forward to reviewing the State’s data in this area as part of the SPP.

Suspension and expulsion

On page 31 of the FFY 2003 APR, PMOE reported that there continued to be no cases of the suspension or expulsion of children with disabilities. On page 32 of the FFY 2003 APR, PMOE included strategies to maintain performance in this area. OSEP appreciates Palau’s work with regard to suspension and expulsion and looks forward to reviewing the most recent data in this area as part of the SPP.

Statewide and districtwide assessment

OSEP’s November 2004 letter directed PMOE to submit documentation that an alternate assessment was available and utilized for children with disabilities unable to participate in all, or part of, the statewide assessment in accordance with 34 CFR §300.138. Regulations at 34 CFR §300.138 require that the State must have on file with the Secretary information to demonstrate that ... (b) as appropriate, the State or local educational agency: (1) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State or districtwide assessment programs; (2) develops alternate assessments in accordance with (b)(1) of this section; and (3) ... conducts the alternate assessments described in (b)(2).

Data and information describing compliance with these requirements may include: (1) a description of the guidelines for the participation of children with disabilities in alternate

assessments for those children who cannot participate in State or districtwide assessment programs; (2) a description of the alternate assessment developed in accordance with those guidelines; (3) the numbers and percentages of children with disabilities who participate in alternate assessments; and (4) an explanation of the numbers and percentages of children with disabilities participating in alternate assessments.

On page 33 of the FFY 2003 APR, data reported showed that although PMOE determined that alternate assessments should be administered to 10 children with disabilities during the 2003-2004 SY, no alternate assessments were provided. On page 34 of the FFY 2003 APR, PMOE noted that the alternate assessment guidelines were developed; however, staff training was not conducted in time for the 2003-2004 administration. PMOE further noted that training would be conducted for teachers responsible for administration and the alternate assessment would be administered during the 2004-2005 SY. On page 34 of the FFY 2003 APR, PMOE included strategies, targets and timelines designed to improve performance and ensure compliance with the requirements at 34 CFR §300.138. PMOE must include, with the SPP, data and analysis demonstrating compliance in this area.

Attachment 3 of the FFY 2003 APR showed that, during the 2003-2004 SY, of the 55 children with disabilities in grades 4, 6, 8 and 10, approximately half took the regular assessment (Palau Achievement Test (PAT)) in the areas of reading and mathematics. On page 5 of Attachment 3 of the FFY 2003 APR, PMOE noted that of the 55 children with disabilities, 18 were absent and 10 were not assessed for other reasons. OSEP noted that although the State reported that approximately half of children with disabilities participated in PMOE's assessment program, no performance results were reported.

Regulations at 34 CFR §300.139(a) (2) require that the performance results of children with disabilities must be reported if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children on regular assessments and on alternate assessments. Regulations at 34 CFR §300.139(b) require that combined reports must include: (1) aggregating the performance of children with disabilities together with all other children; and (2) disaggregating data on the performance of children with disabilities. Effective July 1, 2005, section 612(16)(D) of IDEA 2004 requires the reporting of performance data of children with disabilities on regular and alternate assessments "if the number of children with disabilities participating in those assessments is sufficient to yield statistically-reliable information and reporting that information will not reveal personally identifiable information about an individual student." This performance must compare the performance of children with disabilities on regular assessments and on alternate assessments with the achievement of all children, including children with disabilities, on those assessments.

Data and information describing compliance with these requirements may include: (1) the performance of children with disabilities on regular assessments without accommodations; (2) the performance of children with disabilities on regular assessments with accommodations; (3) the performance of children with disabilities on alternate assessments against the State's challenging academic achievement content and challenging student academic achievement standards; (4) the number and percentage of children with disabilities participating in alternate assessments under alternate academic achievement standards permitted under §1111(b)(1); (5)

the aggregated overall performance of all children on assessments; (6) the comparative performance of children with and without disabilities; and (7) an explanation for any gaps between the performance of children with and without disabilities along with strategies and/or initiatives in place in Palau to close those gaps and improve the performance of children with and without disabilities.

PMOE did not include data and/or analysis regarding performance on regular assessments for children with and without disabilities in the FFY 2003 APR, or include strategies, proposed evidence of change, targets and timelines to ensure correction of the noncompliance. With the SPP, PMOE must submit a plan to OSEP including strategies, proposed evidence of change, targets and timelines designed to report on: 1) the participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards; and 2) the proficiency rate of children with IEPs against grade level standards and alternate achievement standards.

Least restrictive environment

Regulations at 34 CFR §300.552(d) require that, in selecting the LRE for a child with a disability, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs. A child with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. See 34CFR §300.552(e). Data and information describing compliance with these requirements may include: (1) a description of policies and procedures describing the placement process, including who must participate in making placement decisions; (2) monitoring data and information demonstrating that these policies and procedures, including who participates in making the placement decisions, are appropriately implemented by public agencies in the State; (3) numbers and percentages of children who do not attend the school that they would attend if not disabled; (4) a description of the types of harmful effects considered by placement teams; (5) numbers and percentages of children with disabilities who have been removed from age-appropriate classrooms and reasons for those removals; and (6) an explanation for the placement of children with disabilities in more restrictive placements.

On pages 35 through 36 of the FFY 2003 APR, PMOE reported: (1) a decrease over the past four years (2000-2004) in the number of children with disabilities who were provided special education and related services outside the general education classroom for less than 21% (41% to 26%); (2) an increase in the number served outside the general education classroom 21%-60% (32% to 54%); and (3) those served greater than 60% outside the general education classroom remained between 2% to 4%. Although the FFY 2003 APR did not include an explanation for the increases or decreases, on pages 37 through 38, PMOE provided strategies and activities to improve performance in this area. OSEP looks forward to reviewing the State's most current data and analysis, strategies and targets for improved performance in this area in the SPP.

Preschool performance outcomes

OSEP's November 2004 letter directed PMOE, in the FFY 2003 APR, to either submit

documentation of data (whether collected through sampling, monitoring, individual IEP review, or other methods), targets for improved performance and strategies to achieve those targets for this area, or a plan to collect the data, including a detailed timeline of the activities necessary to implement that plan. On pages 39 through 40 of the FFY 2003 APR, PMOE reported baseline data for 10 preschool children, ages 3.9 to 5.4 based on results of the Belau Inventory of Development Skills. The Belau measured performance for language, cognition, self-help, and fine and gross motors skills. As PMOE indicated, the results provided data that did not yield data to address the requirements regarding the effectiveness of preschool programs, based on the extent to which early language/communication, pre-reading, and social-emotional skills of preschool children with disabilities receiving special education and related services were improving. Based on its projected targets, by June 2006, PMOE will develop a plan for data collection and analysis.

The SPP instructions establish a new indicator in this area, for which States must provide entry data in the FFY 2005 APR due February 1, 2007. Absence of this information at that time will be considered in OSEP's annual determination on the status of the State's performance and compliance required under section 616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection. OSEP looks forward to reviewing the State's plan for collecting this data, in the SPP.

Secondary Transition

OSEP's November 2004 letter directed PMOE to submit documentation that students with disabilities, beginning at age 14 (or younger, if appropriate) have IEPs that included statements of transition service needs, in accordance with 34 CFR §300.347(b)(1), and that, if students did not attend their IEP meetings where transition was discussed, other steps were taken to ensure that the student's preferences and interests were considered, in accordance with 34 CFR §300.344(b) (2). Effective July 1, 2005, IDEA 2004 no longer requires the beginning of transition planning by age 14 (or younger, if determined appropriate by the IEP team). OSEP continues to encourage the early planning of the transition from school to work for children with disabilities; however, this is no longer a compliance requirement.

The SPP instructions establish new indicators in this area. Absence of this information will be considered in OSEP's annual determination on the status of the State's performance and compliance required under §616(d) of the IDEA. The State should carefully review the instructions to the SPP in developing its plans for this collection.

Conclusion

With the State's Performance Plan, due December 2, 2005, Palau must submit to OSEP:

1. data and analysis demonstrating the State's progress for ensuring the correction of all identified noncompliance with Part B requirements within a reasonable period of time not to exceed one year from identification, including: (1) the actual number of schools/programs requiring corrective action; (2) corrective actions taken to resolve

- noncompliance identified in schools; (3) corrective actions not yet completed; and (4) how systemic issues are identified and corrected;
2. evidence of effective procedures to investigate and resolve formal complaints;
3. information on: 1) the proposed system for tracking incarcerated youth with disabilities, including whether it will include procedures for evaluating whether incarcerated youth with disabilities are receiving FAPE; and 2) how it would demonstrate, by April 14, 2006, that all incarcerated youths with disabilities were provided FAPE;
4. information on the status of acquiring assessment tools for evaluating infants and toddlers, training staff on the new assessment tools, and translating and disseminating the early childhood materials to comply with 34 CFR §300.125;
5. data and information on the progress toward the development of a database to meet the §618 data reporting requirements;
6. data and analysis demonstrating that children with disabilities participate in alternate assessments in accordance with 34 CFR §300.138; and
7. strategies, proposed evidence of change, targets and timelines designed to report: a) the participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards; and b) the proficiency rate of children with IEPs against grade level standards and alternate achievement standards.

With the SPP, PMOE must provide a copy of the draft procedural safeguards notice, required under 34 CFR §300.504, for OSEP's review.

By April 14, 2006, PMOE must provide a report to OSEP, with data and analysis demonstrating compliance with 34 CFR §300.300 that children with disabilities are receiving FAPE, and with 34 CFR §300.600 regarding the general supervision requirements.

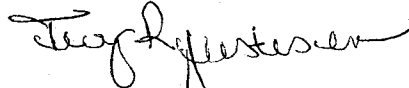
By July 31, 2006, PMOE must notify OSEP that: (1) qualified mediators and hearing officers have been hired in accordance with the plan OSEP approved in the FFY 2003 APR; and (2) that the tracking system for ensuring due process hearings timelines has been implemented. PMOE must include with the SPP, data and information demonstrating progress toward meeting these requirements and provide, by July 31, 2006, the status of its plan to establish a database that will enable it to meet §618 reporting requirements.

IDEA 2004, §616, requires each State to submit a SPP that measures performance on monitoring priorities and indicators established by the Department. These priorities and indicators are, for the most part, similar to clusters and probes in the APR. OSEP encourages the State to carefully consider the comments in this letter as it prepares its SPP, due December 2, 2005.

OSEP recognizes that the APR and its related activities represent only a portion of the work in your State and looks 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 Debra Jennings at (202) 245-7389.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy R. Justesen". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Troy R. Justesen
Acting Director
Office of Special Education Programs

cc: Mr. Evans Imetengel