



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
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Dear Minister Katosang:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP) recent verification visit to the Republic of Palau (ROP). As indicated in my letter to you of August 23, 2006, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Part B of the Individuals with Disabilities Education Act (IDEA). We conducted our visit to the ROP during the week of October 9, 2006.

The purpose of our verification reviews of States is to determine how States and the Freely Associated States use their general supervision, State reported data collection, and statewide assessment systems to assess and improve State performance and to protect child and family rights. The purposes of the verification visits are to: (1) understand how the systems work; (2) determine the extent to which OSEP can rely on the ROP's data to make monitoring decisions; and (3) determine the extent to which ROP's systems are designed to identify and correct noncompliance and improve performance.

As part of the verification visit to the ROP, OSEP staff met with Evans Imetengel, ROP's coordinator of special education within ROP's Ministry of Education (MOE), and the ROP staff members who are responsible for: (1) the oversight of general supervision activities (including monitoring, mediation, complaint resolution, and impartial due process hearings); (2) the collection and analysis of State reported data; and (3) ensuring participation in, and the reporting of student performance on, statewide assessments. Prior to and during the visit, OSEP staff reviewed a number of documents¹, including the following: (1) ROP's Federal Fiscal Year (FFY) 2003 and 2004 Annual Performance Reports (APR) submitted to OSEP in March 2004 and March 2005; (2) ROP's State Performance Plan (SPP) submitted to OSEP in December 2005; (3) ROP's eligibility document submissions under Part B of the IDEA for FFYs 2002 through 2005; (4) special education data related to ROP's rankings for educational

¹ Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.

environments, dropout rates, and graduation rates; (5) Special Education Program for Pacific Island Entities (SEPIIE) Grant Awards; (6) ROP's MOE website; and (7) other pertinent data sources.

Additionally, OSEP reviewed ROP's organizational structure. The ROP is a unitary system consisting of 16 elementary schools (grades 1-8) and one high school, 19 Head Start centers, two private elementary schools, and five private high schools. To provide a free appropriate public education (FAPE) to children with disabilities from a child's third birthday through age 21, the ROP has cooperative agreements with the Ministry of Health Services and Head Start, and a Memorandum of Understanding (MOU) between ROP's MOE and Ministry of Justice. The cooperative agreements ensure the provision of special education and related services to children with disabilities ages three through five, and the MOU establishes procedures for the identification and provision of appropriate special education and related services to eligible individuals with disabilities who are or will be incarcerated for more than two school days. The ROP is currently funded through IDEA Part B funds.²

The information provided by ROP staff during the OSEP visit, together with all of the information that OSEP staff reviewed in preparation for the visit, greatly enhanced our understanding of the ROP's systems for general supervision, data collection and reporting, and statewide assessments.

General Supervision

In reviewing the ROP's general supervision system, OSEP collected information regarding a number of elements, including whether the ROP: (1) has systemic, data-based, and reasonable approaches to identifying and correcting noncompliance; (2) has identified any barriers (e.g., limitations on authority, insufficient staff or other resources, etc.) that impede the State's ability to identify and correct noncompliance; (3) utilizes guidance, technical assistance, follow-up, and --if necessary-- sanctions, to ensure timely correction of noncompliance; (4) has dispute resolution systems that ensure the timely resolution of complaints and due process hearings; and (5) has mechanisms in place to compile and integrate data across systems (e.g., 618 State-reported data, due process hearings, complaints, mediation, large-scale assessments, previous monitoring results, etc.) to identify systemic issues and problems.

The general supervision system includes the following components: (1) direct supervision of all public schools' special education programs and services; (2) providing technical assistance to all public and private school staff for serving children with disabilities; (3) collecting, managing and analyzing data for program development and improvement for meeting IDEA requirements; (4) conducting on-site monitoring through a third-party contractor; (5) managing ROP's dispute resolution system; (6) establishing agreements with other programs, as needed, to ensure FAPE for children

² Prior to the reauthorization of the IDEA in 2004, ROP received funds through a SEPIIE grant. Remaining SEPIIE grant funds are set aside for various capacity building activities to improve the services and support for children with disabilities in the ROP.

with disabilities; and (7) conducting annual program reviews and developing recommendations in partnership with the Special Education Advisory Council. These various components are designed to promote an effective and efficient general supervision system that results in the provision of FAPE in the least restrictive environment to all eligible children with disabilities.

Based on the review of documentation collected during the verification visit process, OSEP believes that the ROP's system for general supervision does not constitute a reasonable approach to the identification and correction of noncompliance.

Monitoring

The ROP's *Special Education Monitoring Procedures (Monitoring Procedures)* were amended in April 2006. According to staff interviewed, the monitoring procedures enable the MOE to: (1) collect and analyze special education data reports; (2) conduct on-site school and facility visits; (3) conduct audits of Federal fund utilization; and (4) ensure services identified in each child's individualized education program (IEP) are provided. The special education coordinator reported that the *Monitoring Procedures* reflect current practices, priorities and an increased focus on improved outcomes for students with special needs and their families. In addition, the special education coordinator noted that the monitoring system has evolved to include on-site monitoring related to CIFMS, the SPP indicators, and data for the APR. The special education coordinator noted, however, that because the changes are recent and still in process, it is not yet possible to determine the impact of the changes on the general supervision system.

The monitoring procedures include ongoing oversight of special education programs and services in the ROP's schools by the special education central office (central office) staff. The central office staff is comprised of a special education coordinator, two early childhood specialists and four consulting resource teachers (CRT) who provide oversight of special education and related services to children with disabilities attending ROP's 16 elementary schools, one high school, 19 Head Start centers, and two private schools across three districts. Three of the CRTs are assigned supervisory roles to the districts and the fourth to the high school. The CRTs' major responsibilities include: (1) providing technical assistance to school principals, special education teachers, and the student study teams; (2) providing training to special educators on the process and procedures required under the IDEA; (3) conducting special education evaluations and assessments; and (4) collecting, compiling, verifying and transmitting section 618 data to ROP's data manager.

The ROP uses a multi-level approach to monitoring. The three-year monitoring cycle consists of three components identified as primary, secondary and tertiary levels. At the primary level, a third party monitor conducts on-site monitoring visits and follow-up activities with schools monitored on previous visits. The third party monitor conducts the visits twice yearly to six or seven schools based on the monitoring schedule developed by the MOE. Schools are selected based on the last year the school was

monitored. The secondary level encompasses a third party contract with the University of Oregon to: (1) review progress with SEPIIE grant activities; (2) review ROP's systems for delivering special education and related services; and (3) make recommendations and provide technical assistance for improving service delivery and student results. The tertiary level requires the ROP's special education coordinator, CRTs, and early childhood specialists to assist the third party monitor and school staff in the monitoring process by providing technical assistance on a daily basis to ensure that monitoring findings are addressed and corrective action plans are implemented. The special education coordinator reported that compliance determinations are made from: (1) the third party monitor's findings and analysis of special education and regular education teacher and parent surveys; and (2) on-site program and document review using checklists, classroom observation, and interviews with school administrators, teachers, and parents. Systemic issues are also identified through this process.

According to the ROP's *Monitoring Procedures* and interviews with staff, the compliance monitor or review team completes a compliance review report within two weeks of the on-site visit. The special education coordinator finalizes the report and forwards copies to the school/agency administrators. The report contains a listing of noncompliance issues as well as commendations for the areas where the school/agency was found to be in compliance. The report also includes suggestions for correcting areas of noncompliance and procedures for requesting assistance.

In response to the SPP, OSEP's March 2006 letter required the ROP to submit a report demonstrating compliance with the requirements at 34 CFR §300.600³ by April 14, 2006. The report was to: (1) clarify if the ROP considers areas in need of improvement as systemic areas of noncompliance requiring correction within one year of identification; and (2) include information on how systemic issues were corrected related to the requirements at 34 CFR §300.600.

In the April 2006 submission, the ROP reported that Palau was making revisions to its monitoring procedures that would address improvements in the areas of verification and the documentation of correction of noncompliance. The ROP acknowledged the need to address the documentation of corrections in a more systemic and effective manner in order to ensure correction of student-specific issues as well as school-specific issues.

According to the information in the April 2006 submission, although individual schools monitored were found to be in compliance with existing ROP policies and procedures, there were areas cited as "in need of improvement." These areas were found in individual schools and considered to be non-systemic, child-specific, or school-specific

³ At the time of OSEP's March 2006 letter, the regulation related to clarifying if the ROP considers areas in need of improvement as systemic areas of noncompliance requiring correction within one year of identification and how systemic issues are corrected was, 34 CFR §300.600. This regulatory provision was redesignated as 34 CFR §300.149 in the final Part B regulations that became effective on October 13, 2006.

findings that required correction at the school level. The ROP reported, however, that areas in need of improvement found across multiple schools or throughout the system, require systemic review and correction by the ROP's special education central administration within one year of identification.

The ROP further reported in the April 2006 submission that no issues of 'school level' noncompliance were identified but each school monitored was required to submit a corrective action plan/school improvement plan (SIP)⁴ to address areas "in need of improvement." According to the submission, most of the areas "in need of improvement" have been addressed in a SIP, however, corrections identified in the SIP have not been consistently implemented or documented. Palau acknowledged in the April 2006 submission that the issue of documentation of corrections must be addressed in a more systematic and effective manner.

Based on OSEP's review of the ROP's April 2006 report, OSEP was unable to determine if the ROP has an effective system to identify and correct noncompliance within one year of identification. These issues will be discussed separately below.

Identification of Noncompliance

In the SPP, the ROP defined systemic issues as: (1) those where many schools show the same areas in need of improvement; and (2) those that are identified across multiple special education reports sent from the schools to the central office. OSEP noted in the SPP and the review of nine monitoring reports reviewed during the verification visit that these reports identified "areas of improvement"; however, no reports identified areas of noncompliance. The documentation collected and interviews with staff showed that the ROP's monitoring system is not effective in the identification of noncompliance. For example, in the SPP, the ROP reported that five of 11 schools did not ensure that children with disabilities participated in the statewide or alternate assessment. (34 CFR §300.138).⁵ OSEP noted that this is a finding of noncompliance; however, the ROP cited this as an area in need of improvement. During the verification visit, OSEP also noted that the third party monitor identified this requirement in a monitoring report as an area in need of improvement although the individualized education programs (IEP) reviewed by the monitor did not consistently include how children with disabilities would participate in the statewide assessments.

The third party monitor reported that he submits to the special education coordinator an annual listing of school findings of noncompliance that identify systemic issues among schools; however, staff interviewed were unable to confirm or provide documentation to

⁴ The ROP refers to corrective action plans as school improvement plans.

⁵ At the time of OSEP's March 2006 response letter to ROP's December 2005 SPP, the regulation in effect related to an alternate assessment being available and provided to children with disabilities who cannot participate in the statewide assessments was 34 CFR §300.138. Participation in assessments is the subject of a notice of proposed rulemaking published in the Federal Register on December 15, 2005 (70 FR 74624) and has not been finalized to date. The ROP is required to meet the participation requirements of §612(a)(16) of the IDEA.

support this. Currently, the special education coordinator and the University of Oregon consultant review the annual monitoring reports to identify systemic issues. This review was used to provide data and information in the SPP. The special education coordinator further reported that to address this inconsistency, the ROP would require the third party monitor to submit an annual list of systemic issues to the MOE. This information will be shared with the special education coordinator for the development of special education policies and procedures to address systemic issues and with principals to develop the SIP.

Within 60 days from the date of this letter, the ROP must provide OSEP either: (1) documentation that its general supervision system identifies noncompliance with Part B requirements through monitoring; or (2) a plan to revise its monitoring system to ensure it is effective in identifying noncompliance with Part B requirements no later than February 1, 2008, the date for the ROP's FFY 2006 APR submission to OSEP. The ROP must also provide to OSEP, within 60 days of the date of this letter, a copy of the amendments to the *Monitoring Procedures* that includes a description and criteria for determining areas of noncompliance as distinguished from areas for improvement. Failure to provide the required documentation at that time may affect the ROP's status under section 616(d) of the IDEA.

Correction of Noncompliance

The special education coordinator reported that improvement plans are developed to address areas of noncompliance and areas of improvement. The degree of success of the corrective actions are promoted through joint development of school improvement plans based on monitoring findings, agreement on efforts by the school and the MOE to be implemented to address noncompliance, and agreement on timelines described in the school improvement plan. According to the *Monitoring Procedures* and interviews with the special education coordinator, within two weeks following the receipt of the compliance review report, the school/agency administrator sends a report to the special education coordinator, noting corrective actions to be implemented and assistance needed. The coordinator reviews the response and determines agreement or disagreement with the proposed actions.

Within two weeks following the receipt of the response, the special education coordinator and CRT assigned to the school/agency meet with the school/agency administrator to develop a SIP addressing each deficiency and specifying timelines for corrections. The SIP will also describe any assistance to be provided by special education or MOE staff.

According to the *Monitoring Procedures*, once the special education coordinator approves the SIP, the CRT conducts periodic visits to verify the implementation of the SIP. Issues of systemic noncompliance must be corrected within one year of the date of approval of the SIP. Issues of non-systemic, child-specific noncompliance are corrected immediately, but in no case later than 60 days from the date of identification of noncompliance. Progress toward compliance is included in the school's monthly school

management report. In November of each year, the special education coordinator will submit to the Director of Education a summary report of the year's compliance visits as part of the Annual Evaluation Report of Program Effectiveness.

According to the special education coordinator, if a school or agency is found to be in continuing noncompliance, the special education coordinator consults with the MOE's Director of Education to initiate actions pursuant to RPPL 1-37 and Public Service System Rules and Regulations, Part 11.

Pursuant to OSEP's March 2006 letter in response to the ROP's SPP, the ROP was required to provide, with the April 14, 2006 report, information on how systemic issues are corrected related to the requirements of 34 CFR §300.600.⁶ As discussed in the Identification of Noncompliance section of this letter, activities in the SIP to address corrections of systemic issues have not been consistently implemented and documented.

OSEP noted in the SPP and confirmed by staff interviewed, that the MOE developed and provided training to school/agency administrators on the new format for developing SIPs and other related requirements and monitoring procedures. According to the staff interviewed, the effectiveness of the process established to ensure correction of noncompliance and to address areas of improvement depends on the cooperation and involvement between the MOE and school/agency administrators. This is an ongoing challenge due to the high principal turnover rate. To address this issue, the MOE is developing more frequent principal trainings to assure cooperation, collaboration, timely compliance and improved results for children with disabilities.

OSEP found in the review of the ROP's monitoring procedures and documentation that: (1) the monitoring reports do not identify the date of completion by the third party monitor or the date the report was received by the central office; and (2) a system has not been established for the tracking of the SIP process from initiation to correction of the identified noncompliance. Therefore, the ROP does not appear to have an effective system to correct identified noncompliance.

OSEP noted in the review of the *Monitoring Procedures* that the procedures do not include steps to close out the SIP or guidelines to follow when documenting that the corrective actions have been successfully completed. In order to address this issue, the special education coordinator reported that ROP will: (1) amend its procedures to include a timeline for improvement action in the current SIP form to capture the date each activity is completed; and (2) develop a monthly schedule for each CRT to visit the schools and report on the progress toward completion of each activity identified in the SIP. Within 60 days from the date of this letter, the ROP must provide OSEP either: (1) documentation that its general supervision system corrects noncompliance with Part B requirements within one year of identification; or (2) a plan to revise its monitoring

⁶ At the time of OSEP's March 2006 letter, the regulation related to how systemic issues are corrected was 34 CFR §300.600. This regulatory provision was redesignated as 34 CFR §300.149 in the final Part B regulations that became effective on October 13, 2006.

system to ensure it is effective in correcting noncompliance with Part B requirements within one year of identification no later than February 1, 2008, the date for the ROP's FFY 2006 APR submission to OSEP. The ROP must also provide a copy of the amended *Monitoring Procedures* that includes a description and criteria for determining when the activities in the SIP have been met and the area of noncompliance has been corrected. Failure to provide the required documentation at that time may affect the ROP's status under section 616(d) of the IDEA.

Dispute Resolution

Complaint Management System

OSEP's March 2006 letter in response to the ROP's SPP required the ROP to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements at 34 CFR §§300.660-300.662.⁷ The special education coordinator reported that the ROP continues to have no formal complaints filed. The ROP is in the process of updating the procedures for filing complaints. These procedures are outlined in the draft document, "*Procedures for the Resolution of Disputes in Special Education (MOE Republic of Palau)*." Within 60 days of the date of this letter, the ROP must provide, for OSEP's review, a draft copy of the "*Procedures for the Resolution of Disputes in Special Education (MOE Republic of Palau)*."

Mediation

OSEP's March 2006 letter in response to the ROP's SPP required the ROP to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements at 34 CFR §300.506(b)(1)(iii) and (2)(i) regarding the hiring of qualified mediators. The special education coordinator reported that four qualified mediators were hired in September 2006. OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrates continued compliance with this requirement.

Due Process Complaints and Hearings

OSEP's March 2006 letter in response to the ROP's SPP required the ROP to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements at 34 CFR §§300.508 and 300.511⁸ regarding the hiring of qualified hearing officers and whether the newly-developed due process procedures meet Federal requirements and include a tracking system for ensuring compliance with due process

⁷At the time of OSEP's March 2006 letter, the regulation in effect governing timelines for State complaints was 34 CFR §300.660-300.662. This regulatory provision was redesignated as 34 CFR §300.151-300.153 in the final Part B regulations that became effective on October 13, 2006.

⁸At the time of OSEP's March 2006 letter, the regulation in effect governing timelines for due process hearings was 34 CFR §300.511. This regulatory provision was redesignated as 34 CFR §300.515 in the final Part B regulations that became effective on October 13, 2006.

hearing timelines. The special education coordinator reported that three qualified hearing officers were hired in September 2006. The special education coordinator also reported that the ROP continues to have no due process complaints filed.

According to the special education coordinator, the central office is revising the logbook that documents the tracking of timelines for complaint investigations and the timely issuance of complaint management reports and due process hearing decisions. The logbook will include revised tracking forms. The tracking forms will include a section to document mediation agreements and implementation of the corrective action and hearing decisions.

Other:

Provision of FAPE to Incarcerated Youth

OSEP's March 2006 letter in response to the ROP's SPP required the ROP to report to OSEP, by April 14, 2006, information and data demonstrating compliance with the requirements at 34 CFR §300.300 that incarcerated youths with disabilities are receiving FAPE. With regard to the information and data submitted to OSEP, the MOU (referred to as an "MOA" in the top paragraph of the procedures) between the ROP's MOE and Justice does not address the agency financial responsibility provision in 34 CFR §300.142(a)(1), or the conditions, terms and procedures of reimbursement provision in 34 CFR §300.142(a)(2). The ROP must provide to OSEP, within 60 days of the date of this letter, a revised MOU or MOA that addresses the requirements in 34 CFR §300.142(a)(1) and (2).⁹

Provision of Related Services

Currently, the ROP does not meet the FAPE requirement at 34 CFR §300.101 with respect to related services being provided to children with disabilities. Staff reported that the ROP's physical therapist (PT) position has been vacant since August 2006. Temporary arrangements with the hospital for the provision of PT services are no longer available. ROP is seeking to hire a PT through the Japanese International Cooperation Agency. Currently, there are nine children who require PT services as identified in their IEPs. The IEP teams are reviewing the goals of the nine children to determine which goals special education staff can carry out until the PT is hired. With the submission to OSEP, due within 60 days of the date of this letter, the ROP must include information on the status of hiring a physical therapist to meet the requirements at 34 CFR §300.101.

Child Find

OSEP's March 2006 letter in response to the ROP's SPP required the ROP to include data in the General Supervision indicator of the APR, due February 1, 2007,

⁹ At the time of OSEP's March 2006 letter, the regulation in effect governing establishing responsibility for services was 34 CFR §300.142(a)(1) and (2). This regulation has been redesignated as 34 CFR §300.154(a) in the final Part B regulations that became effective on October 13, 2006.

demonstrating full compliance with the requirements at 34 CFR §300.125.¹⁰ In its October 18, 2005 letter in response to the ROP's 2003 APR, OSEP had required the ROP to provide, in the SPP, information on the status of: 1) acquiring assessment tools for evaluating infants and toddlers; 2) training staff on the new assessment tools; and 3) translating and disseminating the early childhood materials in order to identify, locate and evaluate all children with disabilities. The ROP did not provide this information in the SPP. During the verification visit, staff reported that the University of Guam Center for Excellence and Developmental Disabilities Education Research and Service provided training to staff on the administration and use of the assessment instruments that the ROP acquired for evaluating infants and toddlers. In addition, the ROP disseminated its revised *Procedures for Early Childhood* and provided training to early childhood staff on the revised procedures. OSEP appreciates the ROP's efforts in this area and looks forward to reviewing data in the APR, due February 1, 2007, that demonstrates continued compliance with this requirement.

Collection of Data Under Section 618 of the IDEA

In reviewing the ROP's system for data collection and reporting under section 618 of the IDEA, OSEP collected information regarding a number of elements, including whether the jurisdiction: (1) provides clear guidance and ongoing training to local programs/public agencies regarding requirements and procedures for reporting data under section 618 of the IDEA; (2) implements procedures to determine whether the individuals who enter and report data at the local and/or regional level do so accurately and in a manner that is consistent with the jurisdiction's procedures, OSEP guidance, and section 618; (3) implements procedures for identifying anomalies in data that are reported, and correcting any inaccuracies; and (4) has addressed barriers to the implementation of procedures for data collection and reporting data under section 618 of the IDEA.

Based on the information provided to OSEP during the verification visit, it appears that the ROP's system for collecting and reporting data is reasonably designed to ensure the accuracy of the data that the ROP is required to report to OSEP under IDEA section 618. The special education coordinator, data manager, representative from the MOE's research division, and CRT informed OSEP that to meet the 618 data-reporting requirements, the ROP uses pencil/paper, electronic, and web-based data collection systems.

The special education teacher assigned to each school initially collects the 618 data for Table 1 (Child Count), Table 3 (Environment), Table 4 (Exiting) and Table 5 (Discipline) using a pencil/paper system. Each special education teacher is trained on how to complete the data tables and use of the instructions based on the IDEA requirements.

¹⁰ At the time of OSEP's March 2006 letter, the regulation in effect governing child find was 34 CFR §300.125. This regulatory provision has been redesignated as 34 CFR §300.111 in the final Part B regulations that took effect on October 13, 2006.

The child count, environment, exiting and discipline data collection forms include all the required 618 reporting fields. The principal reviews and manually forwards the data to the central office and the CRT assigned to the school. The CRT verifies the child count and environment data against the data in the special education file of each child with a disability. Upon completion of the verification, the CRT forwards the child count and environment data to the data manager.

According to the special education coordinator and data manager, the ROP's central office requires CRTs to complete a beginning and end of school year student status report that includes student names, age, disability, percentage of time each student spends outside regular education, and any comments they have on each student. The data manager reviews the student status reports to validate the child count reliability. The data manager compares the current student status report to the previous year's status report to note any changes, reviews each individual file, and asks the CRTs to clarify changes. The data is updated based on the review and responses from the CRTs.

The data manager uses an Excel spreadsheet to collect, process, analyze, and generate Tables 1, 3, 4, and 5 reports. The data manager verifies the accuracy of the data against the special education file of each child with a disability. Since the files of children with disabilities are also located at the central office, the data manager can easily access them to correct discrepancies. The data manager also ensures that data are collected according to the 618 requirements. The data manager and a MOE staff member attend the OSEP annual data managers meeting to receive training on 618 data collection requirements and procedures. The MOE research staff and the data manager provide training to school and central office staff that are responsible for the 618 data submissions. Collections that do not meet the 618 requirements are corrected through discussions with special educators or a letter to the school administrator citing errors. School staff must provide evidence of work to the data manager to show that the errors have been corrected.

The ROP's central office and the MOE use MySQL, an open source database, to collect the Table 2 (personnel) data. School principals use an Excel spreadsheet to report personnel data to the central office. In order to ensure that the Table 2 count is accurate, the data manager checks the Excel spreadsheet against the timesheets of the special education personnel.

According to staff interviewed, the ROP uses 618 data to: (1) document progress/slippage in the SPP; (2) provide documentation to the MOE to support student needs for early intervention; (3) provide documentation to the MOE for support when making improvement to special education programs; (4) provide State and school level reports to management teams, school principals and other agencies upon request; and (5) provide data on indicators in the MOE's annual statistical yearbook.

In the SPP, the ROP reported that it created a new web-based data system, the Student Information System (SIS), to meet its reporting needs. The SIS includes all the required data fields for the SPP indicators and children with IEPs. As reported by staff

interviewed during the verification visit, the ROP is continuing to use the Excel application so that timely and accurate reports can be generated until the SIS has been fully implemented. The ROP is continuing to eliminate “glitches” in the SIS by making necessary modifications to the collection forms based on the 618 data field and OSEP data dictionary requirements. Because SIS requires access to the Internet, data staff from the MOE has trained the central office staff, the special education data manager and data personnel at the four schools that are within the vicinity of the central office. Once the outlying areas can easily access the Internet, data personnel at the remaining 12 schools will receive SIS training.

In addition to the SIS, the MOE is in the process of incorporating all special education data indicators listed in the OSEP data dictionary into the MOE’s overall data collection system. Staff interviewed reported that this process is strengthening the collaboration between the central office staff and the MOE data personnel to ensure the implementation of an effective system-wide database. Workshops have been conducted for staff that will be accessing the system.

In OSEP’s March 20, 2006 letter in response to ROP’s SPP, the ROP was required to review and, if necessary revise, its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with the section 618 reporting requirements. This information was to include how the ROP is addressing “glitches” in the system and how the ‘glitches’ are impacting the accurate and timely reporting of the ROP’s section 618 submissions to OSEP. Because the ROP currently has methods in place through Excel to ensure the accurate and timely reporting of 618 data, OSEP believes that the ROP’s system for data collection and reporting is reasonably designed to ensure that the data is timely and accurate consistent with the requirements under section 618 of the IDEA. OSEP appreciates the ROP’s efforts in this area.

Statewide Assessment

In reviewing the ROP’s system for statewide assessments, OSEP collected information regarding a number of elements, including whether the ROP: (1) establishes procedures for statewide assessments that meet the participation, alternate assessment, and reporting requirements of Part B, including ensuring the participation of all students, including students with disabilities, and the provision of appropriate accommodations; (2) provides clear guidance and training to public agencies regarding those procedures and requirements; (3) monitors local implementation of those procedures and requirements; and (4) reports on the performance of children with disabilities on those assessments, in a manner consistent with those requirements. In order to better understand the ROP’s system for statewide assessment, staff described for OSEP how the alternate assessment is aligned with grade-appropriate content standards.

OSEP has determined, through its review of the ROP’s written procedures for statewide assessments and the SPP on the participation and performance of children with disabilities on such assessments, that those procedures, as written, and those reports are

not consistent with Part B requirements. During the verification visit, staff from ROP's MOE research and evaluation division and the central office presented information, data and documentation regarding the participation of children with disabilities in statewide assessments.

Staff interviewed reported that ROP administers two statewide assessments: the Palau Achievement Test (PAT) and the Quarterly Assessment. The PAT is a criterion-referenced test that is administered to children with and without disabilities in the ROP's public schools, and private schools on a voluntary basis. The PAT is administered to students in grades four, six, eight, ten, and twelve and assesses student performance in the five core subject areas of mathematics, English, Palauan, social studies, and science. Children with disabilities are administered the PAT with or without accommodations, or the PAT-Alternate, as specified in their IEPs. Both the PAT and PAT-Alternate are aligned with the State standards. Staff from the MOE's research and evaluation division is responsible for administering the PAT. Other MOE personnel and special education resource room teachers assist with the PAT administration. The PAT-Alternate is administered and scored by the special education resource teachers.

The Quarterly Assessment is administered at the end of each quarter to public school students enrolled in grades one to eight to assess identified learning targets for the five core subjects. The Quarterly Assessment was initially administered during the 2004-2005 school year. School principals and MOE research and evaluation staff provide training to regular and special educators who are responsible for the administration of the Quarterly Assessment. MOE's division of curriculum support staff sort, compile and enter data into ROP's quarterly test database. MOE's data research and evaluation staff clean, validate and process the data and generate State and school level reports. These reports are distributed to the MOE management team and school principals.

The PAT and Quarterly Assessment results are used by teachers, education specialists, and management teams to: (1) improve classroom instruction; (2) identify specific areas that need improvement; and (3) plan future professional development for teachers. According to MOE research and evaluation staff, the ROP is continuing to modify and improve the ROP's existing data system to ensure the ROP has a specific approach for meeting all assessment reporting requirements and entering and processing data into the databases in a timely manner so that the reports can be used to address students' needs for early intervention and curriculum improvement. The ROP is moving all data collection and entry to a web-based system where reports can be easily accessed and downloaded by the MOE and school staff.

Because the ROP is a Freely Associated State, the jurisdiction does not participate in and is not bound by the requirements of the No Child Left Behind Act (NCLB). Therefore, the ROP does not calculate adequate yearly progress (AYP) for its schools. Results of the PAT and PAT-Alternate are scored and identified in four proficiency levels: "beginning," "developing," "proficient," and "advanced." The ROP does not

calculate a 'proficiency rate' by grade, as defined by NCLB, for children with and without disabilities.

OSEP's March 2006 letter in response to ROP's SPP required the ROP to include data in the APR, due February 1, 2007 that demonstrate full compliance with the requirement at 34 CFR §300.138 that an alternate assessment be made available and provided to children with disabilities who cannot participate in statewide assessments. Based on the review of the SPP, OSEP was unable to determine whether an alternate assessment had been administered and scored for 14 (17.5%) children whose IEPs identified them for an alternate assessment. In the SPP, the ROP reported a 0% participation rate for children with IEPs in alternate assessments. The ROP reported in the SPP that the alternate assessment portfolios for these students were being gathered, but that they were not yet scored. The ROP's central office and MOE staff interviewed during the verification visit reported that in June 2006, the alternate assessment was administered and scored for the 14 children who required one. The ROP anticipates completing and administering an alternate assessment for the Quarterly Assessment during the 2006-2007 school year.

OSEP's March 2006 letter in response to the ROP's SPP also required the ROP to ensure that noncompliance with the reporting requirements in 34 CFR §300.139¹¹ is corrected within one year of its identification and to include data in the APR that demonstrate compliance with this requirement. The ROP reported noncompliance with the reporting requirements in the SPP and failed to provide a plan with strategies, proposed evidence of change, targets, and timelines, designed to correct the noncompliance. The IDEA at 20 U.S.C. §612(a)(16)(D) requires State educational agencies to make available to the public, and report to the public in the same frequency and detail as it reports on the assessment of nondisabled children, the participation and performance data of children with disabilities on regular and alternate assessments. The ROP, however, is not subject to the provisions of NCLB and does not publicly report assessment data for its nondisabled students. Therefore, since the ROP does not report the assessment data of nondisabled children, it is not required to publicly report assessment data of children with disabilities.

The MOE and central office staff provided information on the ROP's process for meeting the requirements at 34 CFR §§300.138 and 300.139. School special education, central office, and MOE research and evaluation staff received training on the administration and scoring of the PAT-Alternate during the 2003-2004 and 2004-2005 school years. During the 2005-2006 school year, the second phase for administering the PAT-Alternate was completed. By April 15 of each school year, all portfolios must be submitted to the school principal who forwards the portfolios to the ROP's special education coordinator by April 30th. The special education coordinator assigns a review

⁹ At the time of OSEP's March 2006 letter, the regulation in effect regarding the alternate assessment reporting requirement was 34 CFR §300.139. This regulatory provision regarding reporting requirements is the subject of a notice of proposed rulemaking published in the Federal Register on December 15, 2005 (70 FR 74624) and has not been finalized to date. The ROP is, however, still required to meet the participation requirements of §612(a)(16)(D) of the IDEA.

team to score the PAT-Alternate. The special education coordinator enters the results into a database and forwards a datasheet to the MOE's research and evaluation division for verification and State and district (aggregated and disaggregated) reporting.

Results for the PAT and PAT-Alternate are reported to school principals, other government agencies, and the MOE's management team. Results of the PAT for children with and without disabilities are not reported to parents or the general public. The PAT results are used to: (1) identify weaknesses, strengths, and areas of the curriculum that need improvement; (2) assess the effectiveness of classroom instructions in relation to the prescribed curriculum standards and benchmarks; and (3) identify placement for incoming freshmen for math and English. The CRTs use the alternate assessment results to: (1) align IEP objectives/goals with grade level learning targets; (2) identify best practices for bringing students up to their target grade levels; (3) compile a comprehensive supply and equipment list needed for documenting student work; and (4) develop an action plan to address areas that need improvement identified in the previous portfolio results.

In its submission to OSEP, due within 60 days of the date of this letter, the ROP must include: 1) current data and information on the administration and scoring of the PAT-Alternate; and 2) data and information demonstrating the availability and provision of an alternate Quarterly Assessment to children with disabilities who cannot participate in statewide assessments as required by Part B of the IDEA. If the ROP does not have an alternate Quarterly Assessment, then it must provide a plan with strategies, proposed evidence of change, targets and timelines, designed to make an alternate assessment for the Quarterly Assessment available to children with disabilities who cannot participate in statewide assessments as required by Part B of the IDEA.

Conclusion

As discussed in this letter, the ROP must provide to OSEP within 60 days of the date of this letter, the following:

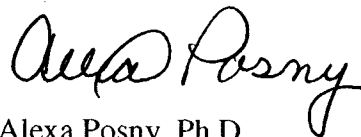
- (1) documentation that its general supervision system identifies noncompliance with Part B requirements through monitoring; or a plan to revise its monitoring system to ensure it is effective in identifying noncompliance with Part B requirements, no later than February 1, 2008, the date for the ROP's FFY 2006 APR submission to OSEP.
- (2) documentation that its general supervision system corrects noncompliance with Part B requirements within one year of identification; or a plan to revise its monitoring system to ensure it is effective in correcting noncompliance with Part B requirements within one year of identification, no later than February 1, 2008, the date for the ROP's FFY 2006 APR submission to OSEP;
- (3) a copy of the amended *Monitoring Procedures* that includes a description and criteria for determining: (i) areas of noncompliance as distinguished from areas for improvement; and (ii) when the activities in the SIP have been met and the area of noncompliance has been corrected;
- (4) a draft copy of the "*Procedures for the Resolution of Disputes in Special*

Education (MOE Republic of Palau)";

- (5) a revised MOU or MOA regarding the provision of FAPE to incarcerated youth with disabilities that addresses the requirements in 34 CFR §300.154(a);
- (6) information on the status of hiring a PT to meet the requirements at 34 CFR §300.101; and
- (7) current data and information on the administration and scoring of the PAT-Alternate required in Indicator 3, and data and information demonstrating the availability and provision of an alternate Quarterly Assessment to children with disabilities who cannot participate in statewide assessments as required by Part B of the IDEA. If the ROP does not have an alternate Quarterly Assessment, then it must provide a plan with strategies, proposed evidence of change, targets and timelines, designed to make a Quarterly Alternate Assessment available to children with disabilities who cannot participate in statewide assessments as required at 34 CFR §300.320(a)(6).

We appreciate the cooperation and assistance provided by your staff during our visit. We look forward to collaborating with the ROP as you continue to work to improve results for children with disabilities and their families.

Sincerely,



Alexa Posny, Ph.D.
Director
Office of Special Education Programs

cc: Evans Imetengel
Coordinator of Special Education