



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

Honorable Biram Stege  
Secretary of Education  
Republic of the Marshall Islands  
Ministry of Education  
Post Office Box 3  
Majuro, Marshall Islands 96960

JAN -5 2005

Dear Secretary Stege:

The purpose of this letter is to respond to the Republic of the Marshall Islands' (RMI's) May 15, 2003 Self-Assessment (SA) and April 2, 2004 submission of its Federal Fiscal Year (FFY) 2002 Annual Performance Report (APR) for the Individuals with Disabilities Education Act (IDEA) Part B funds used during the grant period July 1, 2002 through June 30, 2003. The APR reflects actual accomplishments made by the Marshall Islands during the reporting period, compared to established objectives. The APR for IDEA is designed to provide uniform reporting from States and territories and result in high-quality information across States and territories.

The APR is a significant data source utilized in the Continuous Improvement and Focused Monitoring System (CIFMS) implemented by the Office of Special Education Programs (OSEP), within the U.S. Department of Education. The APR falls within the third component of OSEP's four-part accountability strategy (i.e., supporting States in assessing their performance and compliance, and in planning, implementing, and evaluating improvement strategies) and consolidates the self-assessing and improvement planning functions of the CIFMS into one document. OSEP's Memorandum regarding the submission of Part B APRs directed the Marshall Islands to address five cluster areas: General Supervision; Early Childhood Transition; Parent Involvement; Free Appropriate Public Education in the Least Restrictive Environment; and Secondary Transition.

### ***Background***

The RMI submitted its Part B SA on May 15, 2003 and FFY 2002 APR on April 2, 2004. Verbal feedback was provided to RMI staff during OSEP's Annual Leadership Conference in Washington, D.C. in May 2004, and OSEP also sent an informal e-mail to RMI outlining issues identified in the Self-Assessment in May 2004. OSEP provided additional feedback to RMI staff following the Early Childhood Conference on November 6, 2004.

RMI's APR should reflect the collection, analysis, and reporting of relevant data, and document data-based determinations regarding performance and compliance in each of the cluster areas (as well as any other areas identified by RMI to ensure improvement). OSEP's comments regarding RMI's SA and APR are listed by cluster area.

***General Supervision***

Timely Identification and Correction of Noncompliance.

The SA and APR included data and information that indicated the following area of noncompliance: RMI was unable to ensure that all educational programs for children with disabilities meet Part B requirements as required by 20 U.S.C. 1412(a)(1) and 34 CFR §300.600(a)(2)(ii). On page 25 of the SA, RMI stated that, although it was monitoring for compliance and implementation of the requirements of Part B of IDEA, monitoring forms and procedures were not updated to include the revisions made to Part B by the 1997 Amendments to IDEA. On page 2 of the APR, RMI stated that there was a need to “update monitoring procedures, checklists, and instruments.” On page 2 of the APR, while RMI also noted that it completed monitoring of 27 schools or ten atolls during 2002-2003, it did not answer the probe, Do general supervision instruments and procedures used by the SEA, identify and correct IDEA noncompliance in a timely manner? On page 3 of the APR, RMI indicated that it had a goal of improving the special education information management system (SEIMS) and SEA monitoring systems, including inclusion of preschool data and monitoring procedures and documentation.

Under 20 U.S.C. §1232d(b)(3), each entity receiving funds awarded under Part B of IDEA must have a mechanism for monitoring compliance with program requirements, including ensuring timely correction of deficiencies identified through monitoring. In the FFY 2003 APR, due March 31, 2005, RMI must provide OSEP a copy of its updated monitoring instruments, checklists and procedures to ensure compliance with all applicable Part B requirements, including the requirements of the 1997 Amendments to IDEA. In addition, RMI must submit data about the results of its monitoring activities, including activities to correct noncompliance that it identifies through monitoring, along with an analysis of, and a determination of compliance or noncompliance, in this area. If the information provided indicates noncompliance, RMI must include either: (1) data demonstrating that the noncompliance has been corrected; or (2) a plan with 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 when OSEP accepts the plan.

Identification of Systemic Issues through the Analysis of Data from all Available Sources, including Monitoring, to Impact Systems Change.

On page 41 of the SA, RMI indicated that it should improve monitoring data and on page 3 of the APR, stated that its target for the next reporting period was to improve the documentation, analysis and use of monitoring data to identify systemic issues and impact systems change. From data and information provided in the APR, OSEP could not determine performance in this area. In the next APR, due March 31, 2005, RMI must include data and analysis in this area. If data are not available, RMI must include a plan in the FFY 2003 APR that describes how RMI will collect data in this area in the FFY 2004 APR.

Dispute Resolution System Ensures that Complaint Investigations, Mediations, and Due Process Hearings, and Reviews Are Completed in a Timely Manner.

On page 2 of the APR and page 24 of the SA, RMI reported that there were no complaint investigations, mediations, or due process hearings during the FFY 2002 reporting period. Page 26 of the SA indicated that systems and procedures were in place for conducting complaint investigations, due process hearings and mediations. RMI stated that because of the absence of complaints, due process hearing requests, and mediations, the system has not been tested. OSEP looks forward to information in the APR regarding RMI's status in this area.

A Sufficient Supply of Personnel Available to Meet the Needs of All Children with Disabilities.

Under 34 CFR §§300.380-300.382 and 300.300(a), States and territories are required to have an adequate supply of qualified personnel to ensure that a free appropriate public education is made available to eligible children with disabilities. On page 33 of the SA, RMI stated a need for more teacher training in the area of behavior problems, and more coordination between teachers and the parents of children who have behavior problems. On page 28 of the SA, RMI stated a need to increase the number of service providers, and to hire or train qualified staff to provide special education and related services to children with disabilities. In addition, on page 28 of the SA, RMI included a suggestion to make inservice training accessible to current staff in order to upgrade their qualifications. On page 3 of the APR, RMI stated that it had a target to increase the number of qualified personnel by 10% during FFY 2003, including 15 new positions for early childhood, transition, and related services.

In the FFY 2003 APR, due March 31, 2005, RMI must provide OSEP with information to demonstrate that, although there are deficiencies in the numbers of needed qualified personnel, appropriate special education and related services are provided for children with disabilities; or, if RMI is unable to demonstrate that children with disabilities are receiving a free appropriate public education because of shortages in qualified personnel, RMI must submit a plan to address the requirements of 34 CFR §§300.380-300.382 and 300.300(a), including 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 accepts the plan.

Collection and Timely Reporting of Accurate Data.

From data and information provided in the APR, OSEP could not determine performance or compliance in this area. In the next APR, due March 31, 2005, RMI must include data and analysis demonstrating its ability to collect and report, in a timely manner, accurate data, especially in response to the requirements of section 618 of IDEA. If RMI is unable to demonstrate such ability, it must include a plan, with 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 when OSEP accepts the plan.

Other Areas: Information about Procedural Safeguards.

Under 34 CFR §§300.503-300.504, public agencies must provide parents of children with disabilities a procedural safeguards notice that contains a full explanation of all procedural safeguards under Part B. On page 24 of the SA, RMI stated that parents did not always understand their rights under Part B, and that parents may not have been aware of the Part B complaint procedures. Based on this information, RMI must submit, in the FFY 2003 APR, due March 31, 2005, a copy of its prior written notice that contains a full explanation of all the procedural safeguards available to parents under Part B.

Other Areas: Child Find of Children in Early Grades.

Under 34 CFR §§300.125 and 300.300(a), each State and its public agencies must ensure that all children suspected of having a disability in the State, regardless of the severity of their disability, are identified, located, and evaluated so that a free appropriate public education can be made available to all eligible children. Page 33 of the SA indicated that RMI needed to improve its identification of children suspected of having a disability. Data showed that 9% of upper-grade children were served under Part B, but only 2% of lower-grade children were served under Part B. These percentages suggest that there may be issues in RMI regarding the implementation of the child find requirements at 34 CFR §§300.125 and 300.300(a)(2) because children may not be identified until the upper grades. From data and information in the APR, OSEP cannot determine performance or compliance in this area. In the next APR, due March 31, 2005, RMI must include data and analysis, along with a determination of compliance or noncompliance with 34 CFR §§300.125 and 300.300(a). If the data and analysis demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If data are not available, RMI must include a plan in the FFY 2003 APR that describes how it will collect data to enable it to determine compliance or noncompliance in this area in the FFY 2004 APR.

***Early Childhood Transition***

The instructions to this cluster asked States and territories to determine whether children transitioning from Part C of IDEA, the Early Intervention Program for Infants and Toddlers with Disabilities, have an individualized education program (IEP) or and individualized family services plan (IFSP) in effect by their third birthday. RMI does not participate in Part C.

***Parent Involvement***

On page 6 of the APR, RMI stated that it had completed a parent survey and meetings with parent groups. RMI reported 85% parent participation in IEP meetings with a target of 90% participation. RMI also reported an increase in training and support for parents, especially in the outer islands. In the next APR, due March 31, 2005, RMI must include strategies and activities designed to achieve its targeted performance.

*Free Appropriate Public Education in the Least Restrictive Environment*

Disproportionality.

On page 9 of the PAR, RMI indicated that 99% of all children served were classified as “Marshallese.”

Graduation and Dropout.

On page 9 of the APR, RMI reported that one student with disabilities graduated from high school with a regular diploma and two students with disabilities exited with completed IEP goals. RMI did not address drop-out data or address the probe: Are high school graduation rates and drop-out rates for children with disabilities comparable to graduation rates and drop-out rates for nondisabled children? In the next APR, due March 31, 2005, RMI must address this probe and include drop-out data.

Suspension and Expulsion.

On page 9 of the APR, RMI reported that there were no instances of the suspension or expulsion of children with disabilities for school year 2002-2003. RMI should continue to include in the FFY 2003 APR, due March 31, 2005, strategies that will maintain its performance. OSEP looks forward to reviewing RMI’s performance in this area in the next APR.

Performance of Children with Disabilities on State- and District-Wide Assessments.

On page 9 of the APR, RMI reported the number of children with disabilities who participated in the State-wide assessment and a success rate for children with disabilities that ranged from 21 to 27%. From data and information provided in the APR, OSEP could not determine performance or compliance in this area. In the next APR, due March 31, 2005, RMI must include data and its analysis, along with a determination of compliance or noncompliance with the requirements of 34 CFR §§300.138, 300.139 and 300.347(a)(5). If the data demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If data are not available, RMI must include a plan in the next APR that describes how it will collect data to enable it to determine compliance or noncompliance.

Children with Disabilities Educated with Nondisabled Peers to the Maximum Extent Appropriate.

On page 9 of the APR, RMI reported that 98% of children with disabilities are served in the “general curriculum with nondisabled peers.” OSEP assumes this to mean that these children are served in the regular classroom. OSEP looks forward to information demonstrating continued performance by RMI in this area in the next APR, due March 31, 2005.

Early Language/Communication, Pre-Reading, and Social-Emotional Skills of Preschool Children with Disabilities.

RMI did not report any data or activities related to preschool skills. Under the Government Performance and Results Act of 1993, 31 U.S.C. 1116, the effectiveness of the IDEA section 619 program is being measured 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 are improving. In the FFY 2003 APR, due March 31, 2005, RMI must 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 for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan.

*Secondary Transition*

On page 40 of the SA, RMI stated a need to expand the use of transition planning and transition services to better prepare students with disabilities for employment and independent living, and that there was a strong need in Majuro to strengthen the transition program and services. On page 11 of the APR, RMI reported 464 students with disabilities who were 14 and older during the 2002-2003 school year. On page 12 of the APR, RMI stated that “the extent [to which these students] have current transition plans is not known.” 34 CFR §300.344(b) requires that parents participate in meetings to develop transition services plans and to discuss the need for transition services. On page 38 of the SA, RMI indicated the need to increase parent and teacher participation in the transition process. The absence of parent and teacher participation in this process could be inconsistent with the requirements at 34 CFR §§300.344(b)(3) and 300.345 regarding who must participate in IEP meetings when transition will be considered. 34 CFR §300.347(b) requires that the IEP must include, for each child with a disability beginning at age 14 or younger, if determined appropriate by the IEP team, a statement of the transition services needs that focuses on the student’s course of study, and for students beginning at age 16 or younger, if determined appropriate by the IEP team, a statement of needed transition services for the student. On page 39 of the SA, RMI indicated that while these requirements are met for students with disabilities age 14 or older, there is no indication of whether IEPs for students with disabilities age 14 or younger address the transition services needs when it is appropriate to do so. From data and information provided in the APR, OSEP could not determine performance or compliance in this area. In the next APR, due March 31, 2005, RMI must include data and analysis, along with a determination of compliance or noncompliance with 34 CFR §§300.344(b) and 300.347(b). If the data demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If the data are not available, RMI must include a plan in the FFY 2003 APR that describes how it will collect data to enable it to determine compliance or noncompliance in this area for the FFY 2004 APR.

**Conclusion**

In the FFY 2003 APR, due March 31, 2005, RMI must provide OSEP with the following:

- (1) a copy of its updated monitoring instruments, checklists and procedures to ensure compliance with all applicable Part B requirements, including the requirements of the 1997 Amendments to IDEA. In addition, RMI must submit data about the results of its monitoring activities, including activities to correct noncompliance that it identifies through monitoring, along with an analysis of, and a determination of compliance or noncompliance, in this area. If the information provided indicates noncompliance, RMI must include either: (a) data demonstrating that the noncompliance has been corrected; or (b) a plan with 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 when OSEP accepts the plan;
- (2) information to demonstrate that, although there are deficiencies in the numbers of needed qualified personnel, appropriate special education and related services are provided for children with disabilities; or, if RMI is unable to demonstrate that children with disabilities are receiving a free appropriate public education because of shortages in qualified personnel, RMI must submit a plan to address the requirements of 34 CFR §§300.380-300.382 and 300.300(a), including 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 accepts the plan;
- (3) data and analysis demonstrating its ability to collect and report, in a timely manner, accurate data, especially in response to the requirements of section 618 of IDEA. If RMI is unable to demonstrate such ability, it must include a plan, with 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 when OSEP accepts the plan;
- (4) a copy of its prior written notice that contains a full explanation of all the procedural safeguards available to parents under Part B;
- (5) data and analysis, along with a determination of compliance or noncompliance with 34 CFR §§300.125 and 300.300(a). If the data and analysis demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If data are not available, RMI must include a plan in the FFY 2003 APR that describes how it will collect data to enable it to determine compliance or noncompliance in this area in the FFY 2004 APR;

- (6) strategies and activities designed to achieve its targeted performance for parent involvement;
- (7) drop-out data and information to address the probe: Are high school graduation rates and drop-out rates for children with disabilities comparable to graduation rates and drop-out rates for nondisabled children?
- (8) data and its analysis, along with a determination of compliance or noncompliance with the requirements of 34 CFR §§300.138, 300.139 and 300.347(a)(5). If the data demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If data are not available, RMI must include a plan in the next APR that describes how it will collect data to enable it to determine compliance or noncompliance;
- (9) documentation of data regarding preschool skills (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 for the FFY 2004 APR, including a detailed timeline of the activities necessary to implement that plan; and
- (10) data and analysis, along with a determination of compliance or noncompliance with 34 CFR §§300.344(b) and 300.347(b). If the data demonstrate noncompliance, RMI must include a plan with 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 when OSEP accepts the plan. If the data are not available, RMI must include a plan in the FFY 2003 APR that describes how it will collect data to enable it to determine compliance or noncompliance in this area for the FFY 2004 APR.

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

Sincerely,



Stephanie Smith Lee  
Director  
Office of Special Education Programs

cc: Emi Chutaro