



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

Honorable Wilfred I. Kendall
Minister of Education
Republic of the Marshall Islands
P.O. Box 3
Majuro, Marshall Islands 96960

JUN 15 2007

Dear Minister Kendall:

Thank you for the timely submission of the Republic of the Marshall Islands' (RMI's) Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also appreciate the revisions to RMI's SPP received on April 21, 2007.

As you know, under IDEA section 616, each State has an SPP that evaluates the State's efforts to implement the requirements and purposes of Part B of the IDEA and describes how the State will improve its implementation of Part B. In the revised SPP due by February 1, 2007, States were required to provide information on: (1) specific new indicators; and (2) correction of any deficiencies identified in the Office of Special Education Programs' (OSEP's) SPP response letter sent to a State last year. States were also required to submit by February 1, 2007, an APR for Federal fiscal year (FFY) 2005 that describes the State's: (1) progress or slippage in meeting the measurable and rigorous targets established in the SPP; and (2) any revisions to the State's targets, improvement activities, timelines or resources in the SPP and justifications for the revisions. We appreciate the RMI's efforts in preparing the FFY 2005 APR and revised SPP.

The Department has reviewed the information provided in the RMI's FFY 2005 APR and revised SPP, other State-reported data, information obtained through monitoring visits, and other public information and has determined that, under IDEA section 616(d), RMI needs assistance in meeting the requirements of Part B of the IDEA. RMI should review IDEA section 616(e) regarding the potential future impact of the Department's determination.

The Department's determination is based on the totality of the State's data in its SPP/APR and other publicly available information, including any compliance issues. The factors in States' FFY 2005 APR and February 1, 2007 SPP submissions that affected the Department's determinations were whether the State: (1) provided valid and reliable FFY 2005 data that reflect the measurement for each indicator, and if not, whether the State provided a plan to collect the missing or deficient data; and (2) for each compliance indicator that was not new (a) demonstrated compliance or timely corrected noncompliance, and (b) in instances where it did not demonstrate compliance, had nonetheless made progress in ensuring compliance over prior performance in that area. We also considered whether the State had other IDEA compliance issues that were identified previously through the Department's monitoring, audit or other activities, and

the State's progress in resolving those problems. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2007" for further details.

Specific factors affecting OSEP's determination for RMI included the following: (1) RMI did not provide valid and reliable FFY 2005 data for Indicator 7; and (2) RMI used the wrong standard for identifying noncompliance for Indicator 15, as identified by OSEP during the verification visit in October 2006. For these reasons, we were unable to determine that RMI met requirements under section 616(d).

In OSEP's February 9, 2007 verification visit letter, OSEP concluded that it was unable to determine whether RMI's general supervision system is reasonably designed to ensure the identification and timely correction of noncompliance because RMI has difficulty in making determinations of what constitutes noncompliance (areas that RMI identified as needing improvement OSEP found should have been identified as noncompliance). In its FFY 2005 APR, RMI reported data for Indicator 15 based on old monitoring procedures but noted that the data in the FFY 2006 APR will be based on revised monitoring procedures that address OSEP's concerns. We hope that RMI will be able to demonstrate that it meets requirements in its next APR.

The table enclosed with this letter provides OSEP's analysis of RMI's FFY 2005 APR and revised SPP and identifies, by indicator, OSEP's review and acceptance of any revisions made by RMI to its targets, improvement activities (timelines and resources) and baseline data in RMI's SPP. It also identifies, by indicator, RMI's status in meeting its targets, and whether the RMI's data reflect progress or slippage, and whether RMI corrected noncompliance and provided valid and reliable data. The table also lists, by indicator, any additional information RMI must include in the FFY 2006 APR or, as needed, the SPP due February 1, 2008, to address the problems OSEP identified in the revised SPP or FFY 2005 APR. RMI must provide this required information. We plan to factor into our determinations next year whether or not States or territories provided the additional information requested in this table in their FFY 2006 APR, due February 1, 2008, and may take other actions as well, if the State's data, or lack of data, regarding these issues indicates continuing noncompliance.

We hope that RMI found helpful, and was able to benefit from, the monthly technical assistance conference calls conducted by this Office, ongoing consultation with OSEP State Contacts and OSEP-funded Technical Assistance Center staff, materials found on the IDEA 2004 website, and attendance at OSEP-sponsored conferences. OSEP will continue to provide technical assistance opportunities to assist RMI as it works to improve performance under Part B of the IDEA. If you have any feedback on our past technical assistance efforts or the needs of States and territories for guidance, we would be happy to hear from you as we work to develop further mechanisms to support the States' and territories' improvement activities.

OSEP is committed to supporting RMI's efforts to improve results for children with disabilities and looks forward to working with RMI over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please do not hesitate to call Lucille Sleger, your OSEP State Contact, at 202-2457528

Sincerely,

A handwritten signature in cursive script that reads "Patricia J. Guard".

Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education