

Table B – Commonwealth of the Northern Mariana Islands Part B

Previously-Identified Issues

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 3: Assessment</u></p> <p>OSEP’s November 16, 2005 verification letter required CNMI to submit, within 60 days of the date of the letter, a method for reporting to the public, data on the participation and performance of children with disabilities in regular and alternate assessments in all grades and areas assessed, except that performance results of children with disabilities in regular and alternate assessments must be provided only if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information, and reporting that information would not reveal personally identifiable information about the performance results of the individual child. 20 U.S.C. 1412(a)(16)(D) and 34 CFR §300.139.</p>	<p>On page 8 of its report dated January 31, 2006, CNMI stated that it reports the proficiency of all children who participate in regular and alternate assessments, by grade, in the <u>CNMI Facts and Figures Report</u>. Beginning in school year 2005-2006, the test results will be disaggregated and publicly reported.</p> <p>CNMI indicated that, as in the past, it will continue to respect confidentiality in reporting performance results of individual children. OSEP found that, as of March 2006, CNMI had not reported information regarding the participation and performance of children with disabilities in regular and alternate assessments on its website.</p>	<p>CNMI’s January 31, 2006 submission provided a method for reporting assessment data to the public in accordance with Part B, as requested in OSEP’s November 16, 2005 letter.</p> <p>Under 20 U.S.C. 1412(a)(16)(D) and 34 CFR §300.139, CNMI must report to the public regarding the participation and performance of children with disabilities in regular and alternate assessments with the same frequency and in the same detail that it reports to the public on the assessment of children without disabilities. CNMI must report available information to OSEP by May 31, 2006.</p>	<p>CNMI must report available information to the public on the participation and performance of children with disabilities in regular and alternate assessments with the same frequency and in the same detail that it reports on the assessment of children without disabilities, in accordance with the method set out in its January 31, 2006 report, by May 31, 2006. Failure to provide available information by May 31, 2006 may result in CNMI’s designation as a “high-risk” grantee or may otherwise affect CNMI’s FFY 2006 grant award.</p>
<p><u>Indicator 8: Parent involvement</u></p> <p>OSEP’s November 21, 2005 letter required CNMI to provide, within 60 days of the date of that letter, strategies to improve parent participation in IEP meetings at locations where participation is low, including the implementation of training plans and the resulting data and analysis. (See 34 CFR §300.345)</p>	<p>In Attachment A to its January 31, 2006 report, CNMI provided data showing the percentage of parents who participated in IEP meetings in December 2004 and January 2006. The data for January 2006 showed an increase in parent participation at IEP meetings in schools that had a low</p>	<p>As required in OSEP’s November 21, 2005 letter, CNMI provided a plan, including strategies, to improve parent participation at IEP meetings in accordance with 34 CFR §300.345. OSEP accepts these strategies.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, under Indicator 8, demonstrating implementation of CNMI’s plan to ensure compliance in this area.</p>

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	<p>participation rate in December 2004. The total parent participation rate for the December 2004 and January 2006 was 87%. Data on the second page of Attachment A showed that 97% of parents said that they were given the opportunity to participate in their child's IEP meeting at a mutually agreed upon time and place.</p> <p>In Attachment C, CNMI provided a plan for training staff and parents about participation in the special education process, including the following strategies: (1) developing a guidebook for parents; (2) training parents and giving them helpful hints about participating in IEP meetings; (3) maintaining open communication with parents; and (4) conducting a parent survey at the end of the year to determine whether parents had the opportunity to participate in IEP meetings.</p>	<p>CNMI also provided data to show that parent participation increased in locations where participation was low.</p>	
<p><u>Indicator 12: Early Childhood Transition</u></p> <p>OSEP's November 21, 2005 letter required CNMI to provide data and analysis in the SPP, demonstrating progress toward compliance with the requirement that all children who previously participated in Part C, who are found eligible for services under Part B, have IEPs in effect by their third birthdays (34 CFR §300.132(b)) and a report demonstrating full compliance with this requirement no later than February 13, 2006.</p> <p>Also, CNMI was required attach its revised policies and procedures for providing services for preschool</p>	<p>On page 39 of the SPP, CNMI's data for Indicator 12 showed that 83% of the children referred from the Part C program to the Part B program had IEPs in effect by their third birthdays. CNMI explained that two of 12 children (17%) had late IEPs because of family circumstances such as missing the first scheduled IEP meeting, not returning telephone calls, or moving.</p>	<p>CNMI's data indicate compliance with 34 CFR §300.132(b). OSEP appreciates CNMI's efforts in this area.</p>	<p>OSEP looks forward to data in the APR, due February 1, 2007, demonstrating continued compliance with this requirement.</p>

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<p>children with disabilities, to the SPP, that were presented during OSEP's March 2005 verification visit, in accordance with 34 CFR §§300.132(b) and 300.340-300.350.</p>	<p>With the January 30, 2006 report, CNMI provided OSEP with a copy of its procedures for providing Part B services to preschool children in accordance with Part B requirements.</p> <p>In its February 13, 2006 report, CNMI provided data showing that eight of nine children referred from the Part C program to the Part B program, had IEPs developed by their third birthdays.</p>		
<p><u>Indicator 15: Correction of Previously Identified Noncompliance</u></p> <p>OSEP's November 21, 2005 letter required CNMI to provide data and analysis documenting compliance with the requirements regarding correction of noncompliance as soon as possible but in no case later than one year from identification, by February 13, 2006. (20 U.S.C. 1232d(b)(3)(E) and 34 CFR §300.600).</p>	<p>On page 48 of the SPP, CNMI stated that it has policies and procedures for identifying and correcting noncompliance as soon as possible, and in no case later than one year from identification. As a result of OSEP's March 2005 verification visit, a formal in-depth monitoring tool and reporting process is being finalized and will be implemented in the 2005-2006 school year. CNMI will be conducting monitoring visits between January and May 2006, and copies of the reports will be attached to the next APR submission.</p>	<p>Although CNMI has not provided OSEP with the results of its monitoring under its new monitoring system, CNMI has revised its monitoring procedures to ensure correction of identified noncompliance as soon as possible, not to exceed one year of identification.</p>	<p>CNMI must provide the results of its monitoring activities in the APR, due February 1, 2007, demonstrating that this noncompliance has been corrected. Failure to provide this information at that time may affect CNMI's status under section 616(d) of the IDEA.</p>

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<p><u>Indicator 15: Correction of Noncompliance relating to LRE, Evaluations, IEPs, and Prior Written Notice</u></p> <p>OSEP's November 21, 2005 letter required CNMI to submit a report, within 60 days of the date of the letter, containing a plan, including strategies, proposed evidence of change, targets and timelines to ensure compliance as soon as possible, not to exceed one year from the date that OSEP accepted the plan, in the following areas:</p> <ul style="list-style-type: none"> (a) Children with disabilities are placed in the least restrictive environment, in accordance with 34 CFR §§300.550-300.554 and receive nonacademic and extracurricular services and activities in accordance with 34 CFR §300.553; (b) initial evaluations and reevaluations are timely, in accordance with 34 CFR §§300.300 and 300.536(b), including: (i) data and information about the number and dates of referrals of children for initial evaluations over the past year; (ii) information showing the dates when those evaluations were completed; (iii) an analysis of the availability of personnel to conduct evaluations when referrals are made; and (iv) data and information demonstrating that children with behavior problems are referred and evaluated; (c) initial evaluations and reevaluations are conducted in accordance with 34 CFR §§300.125; 300.531-300.533; and 300.542; (d) the parent receives a copy of the evaluation report and documentation of the determination of eligibility in accordance with 34 CFR §300.534(a)(2); (e) eligibility determinations are appropriate in accordance with 34 CFR §300.535; (f) the IEP is made available to all of a child's teachers, and the teachers are informed of their 	<p>In Attachment E of its January 31, 2006 report, CNMI provided a plan with improvement strategies to ensure compliance with all applicable requirements identified in OSEP's November 21, 2005 letter.</p>	<p>OSEP accepts CNMI's plan provided in Attachment E of the January 31, 2006 report.</p>	<p>CNMI must ensure that this noncompliance is corrected within one year from the date of this letter, and must include data in the APR due February 1, 2007, that demonstrate compliance with these requirements. CNMI should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable CNMI to include data in the APR that demonstrate full compliance with these requirements. Failure to demonstrate compliance at that time may affect OSEP's determination of CNMI's status under section 616(d) of the IDEA.</p>

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<p>responsibilities in implementing the IEP in accordance with 34 CFR §300.342(b);</p> <p>(g) IEPs for children with behavior issues and limited English proficiency are in compliance with 34 CFR §300.346(a)(2)(i)-(ii);</p> <p>(h) IEPs are in compliance with 34 CFR §300.347(a)(3) and (a)(6) regarding supplementary aids and services and program modifications and supports, and the projected date for the beginning of the services and modifications under 34 CFR §300.347(a)(3), and anticipated frequency, location and duration of services and modifications of each of the services;</p> <p>(i) Prior written notice is provided in accordance with 34 CFR §300.503;</p> <p>(j) IEPs are in compliance with 34 CFR §300.309, regarding provision of extended school year (ESY) services to children with disabilities;</p> <p>(k) IEPs are in compliance with 34 CFR §300.344(a)(4) regarding the participation of a qualified LEA representative to participate in IEP meetings; and</p> <p>(l) IEPs are in compliance with 34 CFR §300.308 and 300.346(a)(2)(v) regarding the provision of assistive technology devices and services required for a free appropriate public education.</p>			
<p><u>Indicator 15: Correction of Noncompliance Related to State Advisory Panel</u></p> <p>OSEP's November 21, 2005 letter required CNMI to provide, not later than February 13, 2006, information demonstrating that the State Advisory Panel meets the membership requirements at section 612(a)(21)(B) of IDEA 2004.</p>	<p>As an attachment to its report dated February 13, 2006, CNMI provided pages from its Special Education State Advisory Panel (SESAP) booklet. The requirements for the composition of the advisory panel are on page 3 of the SESAP, and the names of the members are on pages 11 and 12.</p>	<p>The SESAP requirements for the composition of the advisory panel are consistent with section 612(a)(21)(B) and (C) of IDEA 2004.</p>	<p>No further action required.</p>

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<p><u>Indicator 17: Due Process Hearings</u></p> <p>OSEP's November 21, 2005 letter required CNMI to provide the specific steps taken to ensure the availability of trained hearing officers, in accordance with 34 CFR §300.508.</p>	<p>On page 3 of its January 31, 2006 report, CNMI reported that it had three trained hearing officers, and had planned a training session for February 2006. CNMI reported that it continued to collaborate with the Guam Public School System and other Pacific entities in planning to train hearing officers on legal issues.</p>	<p>CNMI provided the required information.</p>	<p>No further action required.</p>
<p>Indicator 20: Data Collection System</p> <p>OSEP's November 16, 2005 letter required CNMI to submit documentation of progress in developing an automated special education data system, with the SPP, along with a description of training and methods used to ensure the accuracy, reliability and validity of the data and a report of its progress in integrating special education data requirements in the system-wide database.</p>	<p>On page 7 of its January 31, 2006 report, CNMI stated that it would use Microsoft Excel for its formal special education data system, staff would be trained on the system in April 2006, and CNMI would monitor the system to ensure the accuracy, validity and reliability of the data in June 2006.</p>	<p>CNMI's documentation shows progress in developing an automated special education data system and addresses training and a method to ensure accurate, reliable and valid data.</p>	<p>OSEP looks forward to data in the APR, due February 1, 2007, demonstrating the effectiveness of these strategies in ensuring timely and accurate data collection.</p>