

**Table B— Palau
Previously Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 3 – Statewide and districtwide assessment.</u> OSEP’s October 18, 2005 letter, required the Palau Ministry of Education (PMOE) to provide a plan including strategies, proposed evidence of change, targets and timelines in the SPP, designed to report on: (1) the participation rate for children with individualized education programs (IEPs) in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards; and (2) the proficiency rate of children with IEPs against grade level standards and alternate achievement standards, to ensure compliance with 34 CFR §300.139. OSEP’s October 18, 2005 letter also required PMOE to submit data and analysis with their SPP, demonstrating that children with disabilities participate in alternate assessments in accordance with 34 CFR §300.138(b).</p>	<p>PMOE reported data and information on the participation rate for children with IEPs on the regular assessments and alternate assessments on pages 16-17 of the SPP. During the 2004-2005 school year, a total of 80 children with disabilities were eligible to be assessed on the Palau Achievement Test, but only 61 (76%) of these children participated. Of this number, 21% of children with disabilities were assessed without accommodations, 55% were assessed with accommodations, and five (6%) were absent. The remaining 14 (17.5%) students were identified as needing an alternate assessment but Palau reported a 0% participation rate for children with IEPs in alternate assessments against grade level standards (page 16 of the SPP). PMOE reported that the alternate assessment portfolios for these students were being gathered, but that they were not scored because: (1) arrangements for scoring the alternate assessment portfolios were not finalized; and (2) the focus of last year’s activities was on teacher training for the portfolio development. PMOE reported that it has chosen not to adopt alternate achievement standards for its students with disabilities at this time. On page 20 of the SPP, PMOE included targets to put the alternate assessment scoring system into place during the 2005-2006 school year and to score the portfolios in 2006-2007.</p>	<p>Palau reported noncompliance under indicator 3 in the SPP, specifically, the reporting requirements for participation and performance on the alternate assessment as required at 34 CFR §300.139. Further, Palau did not include a plan with strategies, proposed evidence of change, targets and timelines, designed to correct the noncompliance as required by OSEP’s October 18, 2005 letter. The data Palau provided demonstrate continued noncompliance with the requirement that an alternate assessment be made available and provided to children with disabilities who cannot participate in State and districtwide assessments, as required by 34 CFR §300.138. It is unclear that an alternate assessment portfolio was provided to the 14 students whose IEPs identified them for an alternate assessment.</p>	<p>Palau must ensure that noncompliance with the requirements at 34 CFR §300.139 is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary, revise its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR that demonstrate full compliance with the reporting requirements in 34 CFR §300.139. Palau must also ensure that it is implementing its improvement strategies to enable it to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirement at 34 CFR §300.138. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15 – Monitoring.</p> <p>OSEP’s October 18, 2005 letter required PMOE to include information, in the SPP, on its progress for ensuring the correction of all identified noncompliance with Part B requirements, including: (1) the actual number of schools/programs requiring corrective action; (2) corrective actions taken to resolve noncompliance identified in schools; (3) corrective actions not yet completed; and (4) how systemic issues are identified and corrected.</p> <p>OSEP also required PMOE to provide, by April 14, 2006, a report to OSEP, with data and analysis demonstrating compliance with 34 CFR §300.600 regarding the general supervision requirements.</p>	<p>On pages 16-17, PMOE reported the proficiency rate for children with disabilities against grade level standards. Although some children with disabilities met or exceeded the proficiency level in some areas assessed, no children with disabilities met PMOE’s average proficiency level of 65% for all five areas assessed. On pages 18-22 PMOE reported its targets and activities to improve participation and performance of children with disabilities in statewide assessment.</p> <p>According to the information reported on pages 56 and 61 of the SPP, Palau identifies systemic issues through a 3-year monitoring cycle. Based on its last full monitoring cycle completed in 2003-2004 for all schools, Palau 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 PMOE.</p> <p>On page 61 of the SPP, Palau reported that no programs required corrective actions for the 11 schools monitored. However, for the 11 schools, Palau identified the following areas that were “in need of improvement:” (1) eligibility determination; (2) behavioral intervention plans; (3) updated procedural safeguards; (4) re-evaluations; and (5) participation in assessment. As of the submission date of the SPP, eight of the 11 schools had submitted school improvement plans to address these areas.¹ Palau noted that the above-listed areas requiring</p>	<p>It is unclear to OSEP if Palau considers “areas in need of improvement” as systemic areas of noncompliance requiring correction within one year of identification. For example, on page 61 of the SPP, Palau found that five of 11 schools did not ensure that children with disabilities participated in the statewide or alternate assessment. (34 CFR §300.138). OSEP noted that this is a finding of noncompliance; however, PMOE cited this as an area in need of improvement.</p>	<p>As noted in OSEP’s October 18, 2005 letter, Palau’s final report demonstrating compliance with the requirements at 34 CFR §300.600 is due to OSEP by April 14, 2006. Failure to provide data demonstrating compliance at that time may result in Palau being identified as a “high-risk” grantee or may otherwise affect the State’s FFY 2006 grant award.</p> <p>With the April 14, 2006 report, Palau must include: (1) information on how systemic issues are corrected related to the requirements at 34 CFR §300.600; and (2) clarify if Palau considers areas in need of improvement as systemic areas of noncompliance requiring correction within one year of identification.</p>

¹ As noted on page 56 of the SPP, Palau, refers to corrective actions as school improvement plans.

Issue	State Submission	OSEP Analysis	Required Action
<p><u>Indicator 15: Provision of FAPE to Incarcerated Youth</u></p> <p>OSEP's October 18, 2005 letter required PMOE to provide, with the SPP: (1) information on whether the proposed system for tracking incarcerated youth includes procedures for evaluating whether incarcerated youth with disabilities are receiving a free appropriate public education (FAPE); and (2) report how PMOE would demonstrate, by April 14, 2006, that all children with disabilities are receiving FAPE, including incarcerated youths with disabilities, in accordance with 34 CFR §300.300.</p> <p>PMOE was also required to provide OSEP a report by April 14, 2006 with data and analysis demonstrating compliance with 34 CFR. §300.300.</p>	<p>improvement were addressed as follows: (1) eligibility determination: a new procedures manual is being finalized and training was planned for Summer 2005; (2) behavioral intervention plans: training and consultation services were provided; (3) updated procedural safeguards: the handbook was updated, translated, printed and distributed; (4) reevaluations: reevaluations were being conducted but not properly documented, so Palau is in the process of revising the documentation policies; and (5) participation in assessment: an alternate assessment was developed and staff were trained on its implementation; however, the scoring process was still in development.</p> <p>The requested information was not submitted in the SPP.</p>		
		<p>PMOE did not submit the requested information regarding how the proposed tracking system ensured the provision of FAPE to incarcerated youth with disabilities in accordance with 34 CFR §300.300.</p>	<p>As noted in OSEP's October 18, 2005 APR response letter, Palau must demonstrate, by April 14, 2006, compliance with the requirement at 34 CFR §300.300 regarding the provision of FAPE to incarcerated youth with disabilities. Failure to provide data demonstrating compliance at that time, may result in the State being identified as a "high-risk" grantee or may otherwise affect the State's FFY 2006 grant award.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>Indicator 15: <u>Child Find</u> OSEP required PMOE to provide, with the SPP, information on the status of acquiring assessment tools for evaluating infants and toddlers, training staff on the new assessment tools, and translating and disseminating the early childhood materials in order to identify, locate and evaluate all children with disabilities. (34 CFR §300.125)</p>	<p>The requested information was not provided with the SPP.</p>	<p>PMOE did not submit the requested information regarding the status of acquiring assessment tools needed to meet the requirements at 34 CFR §300.125, nor did it provide information regarding the training of staff on the new assessment tools; or translating and disseminating the early childhood materials.</p>	<p>Palau must 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 requirements at 34 CFR §300.125. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 15: <u>Notice of Procedural Safeguards:</u> OSEP required PMOE to submit a copy of its draft procedural safeguards notice (PSN), required under 34 CFR §300.504, for OSEP's review.</p>	<p>A copy of the PSN was submitted with the SPP. PMOE provided an updated copy of the PSN to all schools during the 2004-2005 school year.</p>	<p>OSEP is currently reviewing PMOE's PSN and its response will be provided under separate cover.</p>	<p>Upon completion of OSEP's review, it will determine what further action, if any, is necessary on the part of Palau and provide that information to Palau under separate cover.</p>
<p>Indicator 16 – Formal Written Complaints. OSEP required PMOE to provide, with the SPP, evidence of effective procedures to investigate and resolve formal written complaints, consistent with 34 CFR §§300.660-300.662.</p>	<p>On pages 64-65 of the SPP, PMOE included procedures for logging and tracking formal written complaints. PMOE reported that it maintains a log book/database of all complaints, the date the complaint was filed, and the date it was resolved. PMOE reported that the log book/database is reviewed monthly by central office staff to ensure timely resolution of the complaints.</p>	<p>PMOE did not include procedures to investigate and resolve formal written complaints in accordance with 34 CFR §§300.660-300.662. OSEP initially identified this noncompliance and required correction in its November 1, 2004 response letter to Palau's March 29, 2004 submission of its FFY 2002 APR.</p>	<p>Palau must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with the requirements at 34CFR §§300.660-662. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p>Indicator 17 – Due Process Hearings. OSEP required PMOE to demonstrate, in the SPP, progress toward the development of a tracking system for ensuring that due process hearings timelines are met and qualified hearing officers are hired by June</p>	<p>According to the information reported on pages 66-67, PMOE is in the process of compiling a list of hearing officers from the Commonwealth of the Northern Mariana Islands (CNMI) who will be available if a due process hearing is</p>	<p>PMOE provided information that demonstrates progress toward ensuring that qualified hearing officers are hired.</p>	<p>Palau must ensure that it is implementing its improvement strategies to enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with the</p>

Issue	State Submission	OSEP Analysis	Required Action
<p>2006. (34 CFR §§300.508 and 300.511.) PMOE was also required to notify OSEP, no later than July 31, 2006, that the tracking system is in place and qualified hearing officers are available.</p>	<p>requested, until such time as PMOE is able to establish and train its own hearing officers locally.</p> <p>On page 66, PMOE stated that a due process hearing procedure and mechanism has been developed and is under review for adoption.</p>	<p>OSEP is unable to determine what is included in PMOE's newly-developed due process procedure and mechanism and whether it includes a tracking system for ensuring compliance with due process hearing timelines.</p>	<p>requirements at 34 CFR §§300.508 and 300.511. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p> <p>PMOE's notification to OSEP that the tracking system is in place and qualified hearing officers are available, which was due July 31, 2006, may be submitted with the State's FFY 2005 APR, due February 1, 2007.</p>
<p><u>Indicator 19 – Mediation.</u></p> <p>OSEP required PMOE to demonstrate, in the SPP, progress toward hiring qualified mediators as required at 34 CFR §§300.506(b)(1)(iii) &(2)(i).</p> <p>PMOE must also notify OSEP no later than July 31, 2006, that qualified mediators are available.</p>	<p>OSEP noted in the information reported on pages 70-71 of the SPP, that arrangements were being made for interim mediators from either Guam or CNMI to be available in Palau for mediation requests. Palau is updating its list of mediators and investigating options for updated training of mediators.</p>	<p>PMOE provided information that demonstrates progress toward hiring qualified mediators.</p>	<p>Palau must 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 requirements at §§300.506(b)(1)(iii) & (2)(i). Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><u>Indicator 20 – Timely and Accurate Data.</u></p> <p>PMOE was required to report, with the SPP, on the progress toward the development of a database to meet the section 618 data reporting requirements.</p>	<p>On page 72 of the SPP, PMOE reported that it created a new web-based data system, the Student Information System (SIS), to meet its reporting needs. PMOE reported that it expected to enter the data into the SIS in November 2005, after it was implemented. The system includes all the required data fields for children with IEPs. PMOE reported that it would continue to use the Excel application so that timely and accurate reports can be generated until "glitches" in the new system are addressed.</p>	<p>PMOE provided information that demonstrates progress meeting section 618 reporting requirements.</p>	<p>Palau must 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 should include how PMOE is addressing "glitches" in the system and how the "glitches" are impacting the accurate and timely reporting of Palau's section 618</p>

Issue	State Submission	OSEP Analysis	Required Action
			<p>submission to OSEP. Failure to demonstrate compliance in the APR, due February 2007, may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>